

## **Ophy Privacy Policy**

This Privacy Policy (“Policy”) is effective as of November 9th 2022.

This Policy describes how Luxottica of America Inc., including all direct and indirect subsidiaries (collectively “Luxottica,” “we,” “our,” or “us”), collect, use, and disclose information through the Ophy Application (“App”). Other Luxottica websites, products, and services may have their own privacy policies.

### **How We Collect the Information**

When using our App or our services, you may provide us with your personal information through a variety of methods, including the following: (1) when you use our technology; (2) download the App; or (3) when you interact with us for any other purpose.

We may collect certain information automatically when you use the App, as described below.

### **The Information We Collect**

When you interact with us, we may collect any information that you choose to provide, including, but not limited to, images and a limited quantity of biometric information, as defined by the California Consumer Privacy Act of 2018 (“CCPA”), Illinois Biometric Information Privacy Act (“Privacy Act” or “BIPA”), 740 ILCS § 14/1 et seq. and Texas Capture or Use of Biometric Identifier Act (“CUBI”), Bus. & Com. § 503.001 et seq. If you contact our customer service department, you may need to provide us with additional information so that we can verify your identity and respond to your questions or concerns as thoroughly as possible.

We also may automatically collect technical information when you use our App (for example, browser version, IP address, country, region, state, estimated location based on IP, Internet service provider, network connection, referring/exit pages, operating system, date/time stamp, clickstream data and reference site domain name, crash data, device sensor data, duration of App use, interaction with App, domain name, mobile ad identifiers, language settings, customer traffic patterns and website usage).

### **How We Use This Information**

We may use the information we collect for any lawful purpose, including the following:

- 1) To process and fulfill any of your requests;
- 2) To administer services to you;
- 3) To operate and improve the App, for example, 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;
- 4) To communicate with you, including responding to your inquiries;
- 5) To comply with the law and to maintain the security of our App; and
- 6) As otherwise disclosed at the time of collection or use.

### **Disclosing Information to Third Parties**

We engage service providers to perform services in connection with the operation of our business. We may disclose personal information with service providers so that they can perform these services. Examples of these services include product customization, App evaluation, data analysis and, where applicable, data cleansing.

Personal information collected through our App may be shared between the brands and affiliates that are owned or operated by Luxottica of America Inc.

We may also share your personal information if: (1) the law or legal process requires it; (2) we have received a valid administrative request from a government agency or law enforcement; or (3) we determine that such sharing is necessary or appropriate to protect the rights, property, or safety of Luxottica, or any of our respective affiliates, service providers, customers, or others.

We may also disclose your information with your consent or as otherwise specified at the time of data collection or disclosure.

We may also disclose your personal information to a third party in the context of any reorganization, financing transaction, merger, sale, joint venture, partnership, assignment, transfer, or other disposition of all or any portion of our business, assets, or stock (including in connection with any bankruptcy or similar proceedings).

You may be allowed to provide comments in various sections of our App, such as the product reviews section. Please be aware that the information you post in these areas may be available to visitors of the App and to the general public.

We may disclose aggregated information, de-identified information, and technical information at our discretion. For example, we may disclose aggregated demographic information about the App's visitors with our affiliates, service providers, or vendors, so that they can provide marketing analysis and consult on advertising strategies. We also may disclose technical information, such as the number of users who visited the App during a specific time period or who with our service providers and others from time to time.

### **Retention Period**

We retain each category of personal information that we collect for as long as needed or permitted in light of the purpose(s) for which it was collected. The criteria used to determine our retention periods include:

- The length of time we have an ongoing relationship with you (for example, for as long as you have a customer account with us) and the length of time thereafter during which we may have a legitimate need to reference your personal information to address issues that may arise;
- Whether there is a legal obligation to which we are subject (for example, certain laws require us to keep records of your transactions for a certain period of time before we can delete them); or
- Whether retention is advisable in light of our legal position (such as in regard to applicable statutes of limitations, litigation or regulatory investigations).

We may also work with service providers that collect data about your use of the App. We use analytics providers to gather and analyze aggregated anonymous user information.

We use analytics tools to enhance user experience by optimizing the efficiency, design, and quality of the App. Our analytics tools may use cookies and similar technologies to collect and analyze information related to user behavioral metrics on the App, clicks, user inputs, scrolling, access time, visit duration, pages viewed, IP address (including approximate location), operating system, and page reloading. These tools provide insight into what works and what doesn't work for users of the App and they allow us to, for example, identify and repair technical errors that impair the App's functionality. The analytics tools also help us reconstruct the user experience to better understand, for example, where users may be encountering frustration or impediments to using the App.

### **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 16 years of age. We do not knowingly collect personal information from children under the age of 16. 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.

### **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 Information" 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.

## **Security**

We maintain reasonable and appropriate safeguards to help protect your personal information from loss and from unauthorized acquisition. We monitor activity on our App to prevent any unauthorized disclosure of information. In addition, we utilize a licensed system for credit card authorization and fraud detection.

## **Updates to Policy**

We may change this Policy at any time in our discretion. If we decide to change our Policy, we will post the changes on this page. Please review this page periodically to see any updates to the information provided here. This Policy was last updated on November 9<sup>th</sup>, 2022.

## **Accessibility**

To request this Policy in an alternate format, please reach out to us via the contact information provided below.

## **Your Choices**

To opt out of our email marketing or to unsubscribe from our email newsletters, you can contact our customer service department using the information in the “Contact Information” 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 transaction(s) and relationship 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 our customer service department using the information in the “Contact Information” section below.

## **How to Exercise Your Rights**

You may exercise any consumer rights that you have based on your state of residence by submitting a request through the webform on <https://www.privacy.luxottica.com>, via email at [privacyoffice@luxotticaretail.com](mailto:privacyoffice@luxotticaretail.com) or by calling any of the following toll-free numbers:

- Arnette: 833-244-6846
- Contacts Direct: 844-553-6737
- Costa Del Mar 855 692-6782
- Glasses.com: 800-452-7737
- LensCrafters: 877-753-6727
- Native 888 776-2848
- Pearle Vision: 800-937-3937
- Oakley: 800-403-7449
- Oliver Peoples: 888-485-9349
- Persol: 866-248-1940
- Ray-Ban: 866-472-9226
- Sunglass Hut: 800-786-4527
- Target Optical: 877-848-8476
- Vogue: 844-486-3484

## U.S. State-Specific Disclosures

### **Illinois Biometric Information Privacy Act, Texas Capture or Use of Biometric Identifier Act (“CUBI”) Disclosure, Washington Biometric Privacy Law**

Ophth measures the distance between the centers of your pupils, which is termed pupillary distance (“PD”). Your PD measurement is generally part of the prescription provided by an ophthalmologist, optometrist or optician. PD determines the ideal spot where you should look through your lens. The measurement centers your eyeglasses correctly over your eyes to avoid eye strain and to ensure the best fit.

The Ophth App downloads to your personal device and runs and processes data only on your device, using your device’s live camera feed. Only you see the PD measurement in real-time on your device. The PD measurement is immediately deleted from your device when your use of Ophth ends. If you wish to remember your PD measurement, you need to save it, share it in a way you prefer, write it down or take a screenshot of the measurement on your device. There is no transfer of your PD measurement from your device to Ophth. The only information transferred from your device to Ophth is the usual data analytics used to evaluate user interaction to improve the App.

This policy and consent are intended to comply with laws such as the Illinois Biometric Information Privacy Act, 740 ILCS 14/1 et seq. (“Privacy Act”), the Texas Capture or Use of Biometric Identifier Act, Tex. Bus. & Com. Code Ann. §503.001, the Washington Biometric Privacy Law, Wash. Rev. Code Ann. §19.375 et seq., the California Consumer Privacy Act, Cal. Civ. Code §1798.100 et seq., and other applicable laws. This policy and consent supplements prior communications, policies and practices that relate to this subject.

Ophth does not collect, store, use, possess or disclose any biometric identifiers or biometric information identifiable to you, as defined by the Privacy Act. A “biometric identifier” is “a retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry.” *See, e.g.*, 740 ILCS 14/10. “Biometric information” is “any information, regardless of how it is captured, converted, stored, or shared, based on an individual’s biometric identifier used to identify an individual.” *Id.* Biometric identifiers and biometric information do not include “photographs” or “information captured from a patient in a health care setting, or information collected, used, or stored for health care treatment, payment, or operations under the federal Health Insurance Portability and Accountability Act of 1996.” *Id.*

The laws regarding biometric data are constantly evolving regarding how and whether biometrics are being collected, stored, disclosed, or used, etc. To the extent that biometric laws change and we are deemed to collect, store, disclose or use biometric data under these evolving laws, you hereby consent to our collection, storage, use, disclosure, access to, and destruction of your scan, effective the first date you used the App. You understand that we treat any scan as confidential, sensitive information, use reasonable care to protect it from disclosure to unauthorized third-parties, and timely destroy it once your use of the App ends or in accordance with applicable law, unless a longer retention period is required.

You acknowledge that this policy is available to you, and the public, at any time upon request or via this App. If you have any questions or concerns regarding this policy and consent, please contact us as described in the Contact Information section below. By using this App, you acknowledge that you have read this policy, understand it and agree to abide by it, in addition to Ophth’s full Privacy Policy and its Terms and Conditions of Use.

### **California Consumer Privacy Rights**

#### **Your Rights and Choices**

The CCPA, the California Privacy Rights Act (“CPRA”), and other California privacy laws, provide California residents specific rights concerning their personal information, including, the right to request that we disclose what personal information we collect, use, disclose, share and sell. This section describes your rights and how we, Luxottica, and contractors, service providers, and/or relevant third parties handle your personal information. As described in this Policy, we may also make your information available to third parties for their direct marketing purposes (except for your phone number or biometric information).

If you choose to exercise these rights, we will not discriminate against you because of it.

You or your authorized agent have the right to 1) know what personal information is being collected; 2) access your personal information we collect; 3) request deletion of your personal information we have collected; 4) opt-out of the sale or sharing of your personal information; 5) to correct inaccurate personal information; 6) know which personal information is sold or shared; and to whom 7) limit use and disclosure of sensitive personal information (“SPI”). If you choose to submit a request through an authorized agent, we will require proof that the authorized agent has your written permission to submit a request on your behalf. Additionally, we may require you to verify your identity with us through the verification process detailed below.

### **Requests to Know and Access**

You have the right to request that we disclose certain information to you about the collection, use sale and sharing of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, we will disclose to you:

- The categories of personal information we collected about you;
- The categories of sources from which personal information were collected;
- The business or commercial purpose for collecting, sharing, or selling personal information;
- The categories of recipients to whom we disclose, share, or sell personal information;
- The specific pieces of personal information we have collected about you;
- If we sold, shared, 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;
  - sharing, identifying the personal information categories that each category of recipient received; and
  - disclosures for a business purpose, identifying the personal information categories that each category of recipient obtained.

### **Request to Delete**

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 to delete, we will delete (and direct our service providers and contractors to delete) your personal information from our records, unless an exception applies. Subject to certain exceptions, we will also notify all third parties to whom we have sold or shared personal information of your request to delete.

Note: for requests to delete, we will require you verify your identity including requiring you to provide your name and email and to confirm your identity through a confirmation email message. For some requests, we may also require you to sign a declaration under penalty of perjury that you are the consumer whose personal information is the subject of the request. Once submitted, you will receive an email within 10 business days that we will use to verify your identity and provide confirmation of your request. If we cannot verify your identity within 45 days, we may deny your request. We will respond to your request to delete within 45 days from the day we receive the request. If necessary, we may extend the time period to a maximum total of 90 days from the day we receive the request. In such case, you will receive an email notifying you of the extension and explaining the reason for the extension. Any disclosure in response to a request to know will cover the 12-month period preceding the business’s receipt of the request, unless otherwise specified, and will be delivered in a readily useable digital format, or by mail at your request.

Your request to delete may be denied for any reason permitted under applicable law.

### **Right to Opt-Out of the Sale of Personal Information**

You have the right, at any time, to opt of the sale or sharing of your personal information to third parties (as “third parties” is defined under California privacy law).

We will act upon your request in accordance with the requirements set forth in the CCPA or CPRA. Note that we may deny a request to opt-out if we have a good-faith, reasonable, and documented belief that the request is fraudulent.

Once you make an opt-out request, we will wait at least twelve (12) months before asking you to reauthorize personal information sales.

**Requests to Correct Inaccurate Information**

You have the right to request correction of inaccurate information. Once we receive and verify your request, we will undertake commercially reasonable efforts to correct inaccurate information, taking into account the nature of and the purposes for processing the personal information.

**Collection Notice: Collection of Personal Information**

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 (“personal information”). In particular, we have collected the following categories of personal information from consumers within the last twelve (12) months:

Category	Examples	Collected
A. Identifiers	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 in the California Customer Records statute (Cal. Civ. Code § 1798.80(e))	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, education, employment, employment history, bank account number, credit card number, debit card 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 under California or federal law	Age (40 years of age 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 military status, genetic information (including familial genetic information)	NO
D. Commercial information	Records of personal property and products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies	NO
E. Biometric information	Genetic, physiological, behavioral, and biological characteristics or activity patterns that can be used singly or in combination with each other or with other identifying data, to establish individual identity, such as fingerprints, faceprints and voiceprints, iris	NO

	or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data	
F. Internet or another similar network activity	Browsing history, search history, information on a consumer’s interaction with a website, application, or advertisement	<b>YES</b>
G. Geolocation data	Physical location or movements	<b>YES</b>
H. Sensory data	Audio, electronic, visual, thermal, olfactory, or similar information	<b>NO</b>
I. Professional or employment-related information	Current or past job history or performance evaluations	<b>NO</b>
J. Nonpublic 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	<b>NO</b>
K. Inferences drawn from other personal information	Profile reflecting a person’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes	<b>NO</b>

**Categories of Sources of Personal Information**

We may obtain the categories of personal information listed above from the following categories of sources:

- Directly from you or your agent;
- Indirectly from you or your agent. For example, through information we collect in the course of providing services;
- Directly and indirectly from activity on the App. For example through interaction with the App;
- Indirectly through pixels and other tracking technologies operated by us on the App.

**Business or Commercial Use of Personal Information**

We may use or disclose the personal information we collect for one or more of the following business purposes:

- To provide you with the service that you request from us;
- To improve our App and present its contents to you;
- For testing, research, analytics, and development;
- To create audiences for our advertisements, target our advertisements, and generate reports about the performance of our advertisements;
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations;
- As described to you when collecting your personal information or as otherwise set forth in the CCPA or CPRA;
- 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 is among the assets transferred.

**Use of Sensitive Personal Information**

To the extent Sensitive Personal Information (“SPI”) is collected, we may use SPI for purposes of performing services for our business, providing services as requested by you, and ensuring the security and integrity of our business, infrastructure and the individuals we interact with. This includes, without limitation making you an offer (subject to our discretion), fulfilling administrative functions, complying with law, legal process or requests from governmental or regulatory authorities, and exercising or defending legal claims.

**Disclosure, Sale, or Sharing of Personal Information**

In the preceding twelve (12) months, we have disclosed, sold, or shared personal information to third parties for a commercial or business purpose, as authorized under applicable law. We do not sell the personal information of minors under 16 years of age without affirmative consent.

In the preceding twelve (12) months, we have disclosed and sold the following categories of personal information for a business purpose to the following categories of third parties indicated in the chart below.

Category	Categories of Recipients of Personal Information for Disclosures of Personal Information for a Business Purpose	Categories of Recipients for the Sale of Personal Information	Categories of Recipients for the Sharing of Personal Information
Identifiers	Parent or Subsidiary Organizations Affiliates Service Providers Operating Systems and Platforms Data Analytic Providers	None	None
Personal information categories in the California Customer Records statute (Cal. Civ. Code § 1798.80(e))	Parent or Subsidiary Organizations Affiliates Service Providers Operating Systems and Platforms Data Analytic Providers	None	None
Internet or another similar network activity	Parent or Subsidiary Organizations Operating Systems and Platforms Service Providers Data Analytic Providers	None	None
Geolocation data	Parent or Subsidiary Organizations Affiliates Service Providers Operating Systems and Platforms Data Analytic Providers	None	None

**Virginia Consumer Privacy Rights**

The Virginia Consumer Data Protection Act (“VCDPA”) affords Virginia residents certain rights concerning their personal data. This section describes 1) your rights; 2) the categories of personal data we process; 3) the purpose for processing personal data; 4) how to exercise your rights; 5) the categories of personal data that we share with third parties; 6) the categories of third parties with whom we share personal data; and 7) whether we sell personal data to third parties or process your personal data for targeted advertising.

**Your Rights**



You have the right to 1) confirm whether your personal data is being processed and to access that data; 2) to correct inaccuracies in your personal data taking into account the nature of and the purposes for processing the personal data; 3) delete personal data provided by you or obtained from you; 4) obtain a copy of your personal data that you previously provided to us in a portable, and to the extent feasible, readily usable format that allows you to transmit the data to another controller without hindrance; 5) to opt out of the processing of 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; and 6) the right to not be discriminated against for exercising any of the foregoing rights.

Please know that we will not discriminate against you because of your decision to exercise any or all of these rights.

**Purpose for Processing Personal Data**

We process personal data for one or more of the following purposes:

- To provide you with the services that you request from us.
- To improve our App and present its contents to you.
- For testing, research, analytics, and development.
- To create audiences for our advertisements, target our advertisements, and generate reports about the performance of our advertisements.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- As described to you when collecting your personal information or as otherwise set forth in the VCDPA.
- 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 is among the assets transferred.

**How to Exercise Your Rights**

You may exercise your rights as described in the “How to Exercise Your Rights” section above. You may appeal our decision with regard to your request by submitting the request to [privacyoffice@luxotticaretail.com](mailto:privacyoffice@luxotticaretail.com), identifying the request as an appeal, and describing the reason for the request.

**Categories of Personal Data Shared, Processed, or Sold**

Category	Categories of Third Parties with Whom We Share Personal Data	Processed by Us	Categories of Recipients for the Sale of Personal Data and Targeted Advertising
Identifiers	Parent or Subsidiary Organizations Affiliates Service Providers Operating Systems and Platforms Data Analytic Providers	YES	None
Personal information categories	Parent or Subsidiary Organizations Affiliates Service Providers Operating Systems and Platforms Data Analytic Providers	YES	None
Protected classification	None	NO	None

characteristics under federal law			
Biometric information	None	<b>NO</b>	None
Internet or another similar network activity	Parent or Subsidiary Organizations Operating Systems and Platforms Data Analytic Providers	<b>YES</b>	None
Geolocation data	Parent or Subsidiary Organizations Affiliates Service Providers Operating Systems and Platforms Data Analytic Providers	<b>YES</b>	None

**Contact Information**

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

Privacy Office  
Luxottica of America Inc.  
4000 Luxottica Place  
Mason, Ohio 45040  
Phone: 513-765-4321  
Email: [privacyoffice@luxotticaretail.com](mailto:privacyoffice@luxotticaretail.com)