

Privacy Addendum for California Residents

Effective Date: January 1, 2020
Last Reviewed on: December 23, 2019

This **Privacy Addendum for California Residents** (“Addendum”) supplements the information contained in Privacy Policy of KIOXIA America, Inc. (“KAI”).

Applicability

This Addendum applies solely to all visitors, users, and others who reside in the State of California (“consumers” or “you”). KAI adopts this notice to comply with the California Consumer Privacy Act of 2018 (CCPA) and any terms defined in the CCPA have the same meaning when used in this Addendum.

However this Addendum does not apply to the following:

- **Employee-related Information:** Personal information collected about a natural person in the course of that person acting as a job applicant to, an employee of, owner of, director of, officer of, medical staff member of, or contractor of KAI (“Employment Relationship”), to the extent that the personal information is collected and use within the Employment Relationship.
- **B2B Transactional Information:** Personal information reflecting a written or verbal communication or transaction between the business and a consumer, where the consumer is a natural person who is acting as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietorship, non-profit, or government agency and whose communications or transactions with the business occur solely within the context of the business conducting due diligence regarding, or providing or receiving a product or service to or from such company, partnership, sole proprietorship, nonprofit or government agency.

Information We Collect

KAI may 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, household, or device (“**personal information**”). Personal information does not include:

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

In particular, KAI has collected the following categories of personal information from its consumers within the last twelve (12) months:

Category	Collected?	Business or Commercial Purpose for Collection	Sources of Personal Information	Third-Parties With Whom We Share Personal Information
Identifiers: First Name, Last Name, Title, Postal Address, Email address, Telephone Number, IP address	Yes	Process end-user requests, Understanding website visitors	Consumers	Service Providers; Parent and/or Affiliate entities

Sensitive Data: Banking, Credit Card Information	No			
Protected classification characteristics under California or Federal law	No			
Commercial information: Product categories of interest, Product number of purchase products, Proof of purchase, serial number of product purchased, purchase history	No			
Biometric information: Customer service voice recordings, images	No			
Internet or other similar network activity: Information regarding a consumer's interaction with an internet website or application	No			
Geolocation data	No			
Sensory data	No			
Professional or employment- related information	No			
Student Records	No			
Inferences: Purchase date of product, purchasing tendencies	No			

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

- Directly from you. For example, from forms you complete during use of our Services
- Indirectly from you. For example, from observing your actions on our Site.

Use of Personal Information

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

- To fulfill or meet the reason you provided the information, or at your direction.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- 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.

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

Sale of Personal Information

KAI does not sell personal information of minors under 16 years old. Indeed, KAI has not sold any personal information to third parties in the preceding 12 months.

Sharing Personal Information

KAI may disclose your personal information to a third party for a business purpose. However, prior to any disclose of your personal information for a business purpose, KAI will execute a contract with the third party receiving your personal information that describes the purpose, and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

KAI shares your personal information with the following categories of third parties:

- Service providers.
- Parent company and/or affiliates.

Disclosures of Personal Information for a Business Purpose

In the preceding twelve (12) months, Company has disclosed the following categories of personal information for a business purpose: Category A: Identifiers.

KAI discloses your personal information for a business purpose to the following categories of third parties:

- Service providers.
- Parent or affiliate entities

Your Rights and Choices

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

Access to Specific Information and Data Portability Rights

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

- The categories of personal information we collected about you.
- The categories of sources for the personal information we collected about you.
- Our business or commercial purpose for collecting or selling that personal information.
- The categories of third parties with whom we share that personal information.
- The specific pieces of personal information we collected about you (also called a data portability request).
- If we disclosed your personal information for a business purpose, a separate list disclosing the personal information categories that each recipient obtained.

KAI does not provide these access and data portability rights for Employee Information or B2B Transactional Information.

Deletion Request Rights

You have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see [Exercising Access, Data Portability, and Deletion Rights](#)), we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies. We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

- Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, or otherwise perform our contract with you.
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- Debug products to identify and repair errors that impair existing intended functionality.

- Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
- Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 et. seq.).
- Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
- Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- Comply with a legal obligation.
- Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

KAI does not provide these deletion rights for Employee Information or B2B Transactional Information.

Exercising Access, Data Portability, and Deletion Rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us by either:

- Calling us Toll-Free at [\(877\) 852-4777](tel:877-852-4777)
- Emailing us at Kioxia-America@privacysupportservices.com

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

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

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative, which may include:
 - Four pieces of personal information including:
 - Full Name
 - Email Address
 - Your primary telephone number
 - Your zip code
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

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

Making a verifiable consumer request does not require you to create an account with us.

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

Authorized Agents

You can designate an authorized agent to submit requests on your behalf. However, in order to comply with requests from Authorized Agents, we require that Authorized Agents to provide written proof of permission to represent the

California resident on whose behalf the request is being made. We may require verification of the Authorized Agent and may also require the California resident to verify their identity directly. To submit a formal request as an authorized agent, please send an email to Kioxia-America@privacysupportservices.com including the required written permission and you will be contacted within the time period required under the CCPA.

Response Timing and Format

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

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

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

Changes to Our Privacy Addendum

We reserve the right to amend this privacy Addendum at our discretion and at any time. When we make changes to this privacy Addendum, we will post the updated notice on the Website and update the Addendum's effective date. **Your continued use of our Website following the posting of changes constitutes your acceptance of such changes.**

Contact Information

If you have any questions or comments about this Addendum, the ways in which KIOXIA America, Inc. collects and uses your information described here and in the Privacy Policy, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: [\(877\) 852-4777](tel:877-852-4777)

Website for KAI Privacy Policy: <https://www.kioxia.com/en-us/privacy.html>

Email: Kioxia-America@privacysupportservices.com

Postal Address:

KIOXIA America, Inc.
5231 California Avenue
Irvine, CA 92617
Attn: CCPA