

MSCHF Privacy Policy

Last Updated: March 12, 2021

MSCHF Product Studio, Inc. (“we” “us” “our”) operates online store(s), creates content, communicates with our fans and customers through texts, emails and social channel(s), and promotes our products and services (which we sometimes call “drops”) both online and offline. This Privacy Policy is designed to help you understand how we collect, use, and share your personal information, and to help you understand and exercise your privacy rights.

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1. SCOPE

This Privacy Policy applies to personal information processed by us in our business, including on our website MSCHF.xyz, MSCHF mobile application, and other online or offline offerings, such as the websites where we make and promote our drops (collectively, the “Services”).

2. PERSONAL INFORMATION WE COLLECT

The categories of personal information we collect depend on how you interact with our Services, and the requirements of applicable law. We collect information that you provide to us, information we obtain automatically when you use our Services, and information from other sources such as third-party services and organizations, as described below.

A. Information You Provide to Us Directly

We may collect the following personal information that you provide to us.

- **Account Creation.** When you create a user account, we collect your phone number, which we may use to authenticate your identity or communicate directly with you. If you use our mobile application, we will also communicate with you via push notifications.
- **Purchases.** We may collect personal information and details associated with your purchases, including payment information. Any payments made via our Services are processed by third-party payment processors. We do not directly collect or store any payment card information entered through our Services, but may receive information associated with your payment card information (e.g., your billing details).

- **Data Collected Associated with Drops.** Our drops often involve a product you can buy, but also may involve other activities designed to engage with you and others online, which may require you to provide additional personal information to participate. (For instance, we may ask for your name or a username to be entered in a drawing, or ask you to upload a picture to serve as your avatar in an online game, or upload personal data as part of a giveaway.) Your participation in these drops is entirely optional, and, if not already disclosed in this privacy policy, we will endeavor to disclose the specific information we will collect, and how we'll use it on the specific drop page whenever we ask for this data.
- **Your Communications with Us.** We may collect personal information, such as your email address or phone number when you request information about our Services, request customer or technical support, or otherwise communicate with us.
- **Surveys.** We may contact you to participate in surveys. If you decide to participate, you may be asked to provide certain information, which may include personal information.
- **Interactive and Social Features.** We and others who use our Services may collect personal information that you submit or make available through our interactive features (e.g., messaging and chat features, commenting functionalities, forums, blogs, and social media pages). Any information you provide using the public sharing features of the Services will be considered “public,” unless otherwise required by applicable law, and is not subject to the privacy protections referenced herein. Please exercise caution before revealing any information that may identify you in the real world to other users.
- **Sweepstakes or Contests.** We may collect personal information you provide for any sweepstakes or contests that we offer. In some jurisdictions, we are required to publicly share information of sweepstakes and contest winners.

B. Information Collected Automatically

We may collect personal information automatically when you use our Services:

- **Automatic Data Collection.** We may collect certain information automatically when you use our Services, such as your Internet protocol (IP) address, user settings, MAC address, cookie identifiers, mobile carrier, mobile advertising and other unique identifiers, browser or device information, general location information (including approximate location derived from IP address), and Internet service provider. We may also automatically collect information regarding your use of our Services, such as pages that you visit before, during and after using our Services, information about the links you click, the types of content you interact with, the frequency and duration of your activities, and other information about how you use our Services. In addition, we may collect expanded device information in the event of a crash (as permitted by your device settings), and we may collect information that other people provide about you when they use our Services, including information about you when they tag you.
- **Cookies, Pixel Tags/Web Beacons, and Other Technologies.** We, as well as third parties that provide content, advertising, or other functionality on our Services, may use cookies, pixel tags, local storage, and other technologies (“**Technologies**”) to automatically collect information through your use of our Services.
 - **Cookies.** Cookies are small text files placed in device browsers that store preferences and facilitate and enhance your experience.

- **Pixel Tags/Web Beacons.** A pixel tag (also known as a web beacon) is a piece of code embedded in our Services that collects information about engagement on our Services. The use of a pixel tag allows us to record, for example, that a user has visited a particular web page or clicked on a particular advertisement. We may also include web beacons in e-mails to understand whether messages have been opened, acted on, or forwarded.

Our uses of these Technologies fall into the following general categories:

- **Operationally Necessary.** This includes Technologies that allow you access to our Services, applications, and tools that are required to identify irregular website behavior, prevent fraudulent activity and improve security or that allow you to make use of our functionality;
- **Performance-Related.** We may use Technologies to assess the performance of our Services, including as part of our analytic practices to help us understand how individuals use our Services (*see “Analytics” below*);
- **Functionality-Related.** We may use Technologies that allow us to offer you enhanced functionality when accessing or using our Services. This may include identifying you when you sign into our Services or keeping track of your specified preferences, interests, or past items viewed;
- **Advertising- or Targeting-Related.** We may use first party or third-party Technologies to deliver content, including ads relevant to your interests, on our Services or on third-party websites.

See [“Your Privacy Choices and Rights”](#) below to understand your choices regarding these Technologies.

- **Analytics.** We may use Technologies and other third-party tools to process analytics information on our Services. Some of our analytics partners include:
 - **Google/Firebase Analytics.** For more information, please visit [Google Analytics’ Privacy Policy](#). To learn more about how to opt-out of Google Analytics’ use of your information, please click [here](#).
 - **Facebook Connect.** For more information, please visit Facebook’s [Facebook’s Data Usage Policy](#). You can object to the collection of your data by Facebook pixel, or to the use of your data for the purpose of displaying Facebook ads by contacting the following address while logged into your Facebook account: <https://www.facebook.com/settings?tab=ads>.
 - **AppsFlyer Analytics.** For more information, please visit AppsFlyer’s [analytics page](#). To opt out, visit <https://www.appsflyer.com/optout>.
- **Social Media Platforms.** Our Services may contain social media buttons such as Facebook, Instagram, and YouTube (that might include widgets such as the “share this” button or other interactive mini programs). These features may collect your IP address, which page you are visiting on our Services, and may set a cookie to enable the feature to function properly. Your interactions with these platforms are governed by the privacy policy of the company providing it.

C. Information Collected from Other Sources

We may obtain information about you from other sources, including through third-party services and organizations. For example, if you access our Services through a third-party application, such as an app

store, a third-party login service, or a social networking site, we may collect information about you from that third-party application that you have made available via your privacy settings.

A. HOW WE USE YOUR INFORMATION

We use your information for a variety of business purposes, including to provide our Services, for administrative purposes, and to market our products and Services, as described below.

B. Provide Our Services

We and our service providers use your information to fulfil our contract with you and provide you with our Services, such as:

- Managing your information and accounts;
- Providing access to certain areas, functionalities, and features of our Services;
- Answering requests for customer or technical support;
- Communicating with you about your account, activities on our Services, and policy changes;
- Processing your financial information and other payment methods for products or Services purchased;
- Allowing you to register for events.

B. Administrative Purposes

We use your information for various administrative purposes, such as:

- Pursuing our legitimate interests such as direct marketing, research and development (including marketing research), network and information security, and fraud prevention;
- Detecting security incidents, protecting against malicious, deceptive, fraudulent or illegal activity, and prosecuting those responsible for that activity;
- Measuring interest and engagement in our Services;
- Short-term, transient use, such as contextual customization of ads;
- Improving, upgrading or enhancing our Services;
- Developing new products and Services;
- Ensuring internal quality control and safety;
- Authenticating and verifying individual identities, including requests to exercise your rights under this policy;
- Debugging to identify and repair errors with our Services;
- Auditing relating to interactions, transactions and other compliance activities;
- Enforcing our agreements and policies; and
- Complying with our legal obligations.

C. Marketing and Advertising our Products and Services

We may use personal information to tailor and provide you with content and advertisements. We may provide you with these materials as permitted by applicable law. Some of the ways we market to you include email campaigns, custom audiences advertising, and “interest-based” or “personalized advertising.”

If you have any questions about our marketing practices, or if you would like to opt out of the use of your personal information for marketing purposes, you may contact us at any time as set forth in “[Contact Us](#)” below.

D. Other Purposes

We also use your information for other purposes as requested by you or as permitted by applicable law.

- **Consent.** We may use personal information for other purposes that are clearly disclosed to you at the time you provide personal information, or with your consent.
- **Automated Decision Making.** We may engage in automated decision making, including profiling. MSCHF’s processing of your personal information will not result in a decision based solely on automated processing that significantly affects you unless such a decision is necessary as part of a contract we have with you, we have your consent, or we are permitted by law to engage in such automated decision making. If you have questions about our automated decision making, you may contact us as set forth in “[Contact Us](#)” below.
- **De-identified and Aggregated Information.** We may use personal information and other information about you to create de-identified and/or aggregated information, such as de-identified demographic information, information about the device from which you access our Services, or other analyses we create.
- **Share Content with Friends or Colleagues.** Our Services may offer various tools and functionalities. For example, we may allow you to provide information about your friends through our referral services. Our referral services may allow you to forward or share certain content with a friend, such as offering a referral link that is unique to you and allows you to invite your friend to use our Services. If your friend uses your unique link to sign up for our Services, we will store information about the referral associated with your profile in order to provide you with referral bonuses. Please only share with us contact information of people with whom you have a relationship (e.g., relative, friend neighbor, or co-worker).

A. HOW WE DISCLOSE YOUR INFORMATION

We disclose your information to third parties for a variety of business purposes, including to provide our Services, to protect us or others, or in the event of a major business transaction such as a merger, sale, or asset transfer, as described below.

B. Disclosures to Provide our Services

The categories of third parties with whom we may share your information are described below.

- **Service Providers.** We may share your personal information with our third-party service providers who use that information to help us provide our Services. This includes service providers that provide us with IT support, hosting, referral services, SMS verification and communication, push notifications, shipping and e-commerce, payment processing, customer service, and related services. (For example, we use Shopify as our e-commerce and payment platform -- For more information, you can read Shopify’s Terms of Service (<https://www.shopify.com/legal/terms>) or Privacy Statement (<https://www.shopify.com/legal/privacy>)).

- **Business Partners.** We may share your personal information with business partners to provide you with a product or service you have requested. We may also share your personal information to business partners with whom we jointly offer products or services.
- **Affiliates.** We may share your personal information with our affiliated companies for our administrative purposes, including activities such as IT management, for them to provide services to you or support and supplement the Services we provide.
- **Other Users/the Public.** As described above in “[Personal Information We Collect](#),” our Services may allow you to share your profile and/or content with other users or with the general public, including to those who do not use our Services.
- **Advertising Partners.** We may share your personal information with third-party advertising partners. These third-party advertising partners may set Technologies and other tracking tools on our Services to collect information regarding your activities and your device (e.g., your IP address, cookie identifiers, page(s) visited, location, time of day). These advertising partners may use this information (and similar information collected from other services) for purposes of delivering personalized advertisements to you when you visit digital properties within their networks. This practice is commonly referred to as “interest-based advertising” or “personalized advertising.”
- **APIs/SDKs.** We may use third-party Application Program Interfaces (“APIs”) and Software Development Kits (“SDKs”) as part of the functionality of our Services. For more information about our use of APIs and SDKs, please contact us as set forth in “[Contact Us](#)” below.

B. Disclosures to Protect Us or Others

We may access, preserve, and disclose any information we store associated with you to external parties if we, in good faith, believe doing so is required or appropriate to: comply with law enforcement or national security requests and legal process, such as a court order or subpoena; protect your, our, or others’ rights, property, or safety; enforce our policies or contracts; collect amounts owed to us; or assist with an investigation or prosecution of suspected or actual illegal activity.

C. Disclosure in the Event of Merger, Sale, or Other Asset Transfers

If we are involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, receivership, purchase or sale of assets, or transition of service to another provider, your information may be sold or transferred as part of such a transaction, as permitted by law and/or contract.

• YOUR PRIVACY CHOICES AND RIGHTS

Your Privacy Choices. The privacy choices you may have about your personal information are determined by applicable law and are described below.

- **Email and Telephone Communications.** If you receive an unwanted email from us, you can use the unsubscribe link found at the bottom of the email to opt out of receiving future emails. Note that you will continue to receive transaction-related emails regarding products or Services you have requested. We may also send you certain non-promotional communications regarding us and our Services, and you will not be able to opt out of those communications (e.g., communications regarding our Services or updates to our Terms or this Privacy Policy).

- **Text Messages.** You may opt out of receiving text messages from us by following the instructions in the text message you have received from us (e.g., replying with “STOP” or “Cancel,”) or by otherwise contacting us.
- **Mobile Devices.** We may send you push notifications through our mobile application. You may opt out from receiving these push notifications by changing the settings on your mobile device.
- **“Do Not Track.”** Do Not Track (“DNT”) is a privacy preference that users can set in certain web browsers. Please note that we do not respond to or honor DNT signals or similar mechanisms transmitted by web browsers.
- **Cookies and Interest-Based Advertising.** You may stop or restrict the placement of Technologies on your device or remove them by adjusting your preferences as your browser or device permits. However, if you adjust your preferences, our Services may not work properly. Please note that cookie-based opt-outs are not effective on mobile applications. However, you may opt-out of personalized advertisements on some mobile applications by following the instructions for [Android](#), [iOS](#) and [others](#).

The online advertising industry also provides websites from which you may opt out of receiving targeted ads from data partners and other advertising partners that participate in self-regulatory programs. You can access these and learn more about targeted advertising and consumer choice and privacy by visiting the [Network Advertising Initiative](#), [the Digital Advertising Alliance](#), [the European Digital Advertising Alliance](#), and [the Digital Advertising Alliance of Canada](#).

Please note you must separately opt out in each browser and on each device.

Your Privacy Rights. In accordance with applicable law, you may have the right to:

- **Access Personal Information** about you, including: (i) confirming whether we are processing your personal information; (ii) obtaining access to or a copy of your personal information; and (iii) receiving an electronic copy of personal information that you have provided to us, or asking us to send that information to another company (the “right of data portability”);
- **Request Correction** of your personal information where it is inaccurate or incomplete. In some cases, we may provide self-service tools that enable you to update your personal information;
- **Request Deletion** of your personal information;
- **Request Restriction of or Object to** our processing of your personal information; and
- **Withdraw your Consent** to our processing of your personal information.

If you would like to exercise any of these rights, please contact us as set forth in “[Contact Us](#)” below. We will process such requests in accordance with applicable laws.

- **SECURITY OF YOUR INFORMATION**

We take steps to ensure that your information is treated securely and in accordance with this Privacy Policy. Unfortunately, no system is 100% secure, and we cannot ensure or warrant the security of any information you provide to us. We have taken appropriate safeguards to require that your personal information will remain protected and require our third-party service providers and partners to have appropriate safeguards

as well. To the fullest extent permitted by applicable law, we do not accept liability for unauthorized disclosure.

By using our Services or providing personal information to us, you agree that we may communicate with you electronically regarding security, privacy, and administrative issues relating to your use of our Services. If we learn of a security system’s breach, we may attempt to notify you electronically by posting a notice on our Services, by mail, or by sending an email to you.

D. INTERNATIONAL DATA TRANSFERS

All information processed by us may be transferred, processed, and stored anywhere in the world, including, but not limited to, the United States or other countries, which may have data protection laws that are different from the laws where you live. We endeavor to safeguard your information consistent with the requirements of applicable laws.

E. RETENTION OF PERSONAL INFORMATION

We store the personal information we collect as described in this Privacy Policy for as long as you use our Services or as necessary to fulfill the purpose(s) for which it was collected, provide our Services, resolve disputes, establish legal defenses, conduct audits, pursue legitimate business purposes, enforce our agreements, and comply with applicable laws.

F. SUPPLEMENTAL NOTICE FOR CALIFORNIA RESIDENTS

This Supplemental California Privacy Notice only applies to our processing of personal information that is subject to the California Consumer Privacy Act of 2018 (“CCPA”). The CCPA provides California residents with the right to know what categories of personal information MSCHF has collected about them and whether MSCHF disclosed that personal information for a business purpose (e.g., to a service provider) in the preceding 12 months. California residents can find this information below:

Category of Personal Information Collected by MSCHF	Category of Third Parties Information is Disclosed to for a Business Purpose
<p>Identifiers. A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, , or other similar identifiers.</p>	<ul style="list-style-type: none"> • Advertising networks (online identifiers only) • Data analytics providers • Service providers • Other Users/Public (name or alias, if you choose to share)
<p>Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)) A name, address, telephone number, credit card number, debit card number, or any other financial information.</p>	<ul style="list-style-type: none"> • Data analytics providers • Service providers • Other Users/Public (name, if you choose to share)
<p>Commercial information Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.</p>	<ul style="list-style-type: none"> • Data analytics providers • Service providers

Category of Personal Information Collected by MSCHF	Category of Third Parties Information is Disclosed to for a Business Purpose
Internet or other electronic network activity Browsing history, search history, information on a consumer's interaction with an internet website, application, or advertisement.	<ul style="list-style-type: none"> • Data analytics providers • Service providers • Advertising networks
Inferences drawn from other personal information to create a profile about a consumer Profile reflecting a consumer's preferences and, behavior.	<ul style="list-style-type: none"> • Data analytics providers • Service providers • Advertising networks

The categories of sources from which we collect personal information and our business and commercial purposes for using personal information are set forth in “[Personal Information We Collect](#)” and “[How We Use Your Personal Information](#)” above, respectively. While we do share online identifiers with ad networks to deliver interest-based ads, and have sold users’ personal information in the past in connection with specific, opt-in promotions (such as <https://datalotto.biz/>), we do not “sell” users’ personal information as the term is defined under the CCPA.

Additional Privacy Rights for California Residents

Non-Discrimination. California residents have the right not to receive discriminatory treatment by us for the exercise of their rights conferred by the CCPA.

Authorized Agent. 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. To designate an authorized agent, please contact us as set forth in “[Contact Us](#)” below and provide written authorization signed by you and your designated agent.

Verification. To protect your privacy, we will take steps the following steps to verify your identity before fulfilling your request. When you make a request, we will ask you to 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 asking you to answer questions regarding your account and use of our Services.

If you are a California resident and would like to exercise any of your rights under the CCPA, please contact us as set forth in “[Contact Us](#)” below. We will process such requests in accordance with applicable laws.

Refer-a-Friend and Similar Incentive Programs. As described above in [How We Use Your Personal Information](#) (“Share Content with Friends or Colleagues”), we may offer referral programs or other incentivized data collection programs. For example, we may offer incentives to you such as discounts or promotional items or credit in connection with these programs, wherein you provide your personal information in exchange for a reward, or provide personal information regarding your friends or colleagues (such as their email address) and receive rewards when they sign up to use our Services. (The referred party may also receive rewards for signing up via your referral.) We might also provide incentives for certain promotions that we run, such as <https://datalotto.biz/>. These programs are entirely voluntary and allow us to grow our business and/or provide additional benefits to you. The value of your data to us depends on how you ultimately use our Services, whereas the value of the referred party’s data to us depends on whether

the referred party ultimately uses our Services. Said value will be reflected in the incentive offered in connection with each program.

Accessibility. This Privacy Policy uses industry-standard technologies and was developed in line with the World Wide Web Consortium's Web Content Accessibility Guidelines, version 2.1. If you wish to print this policy, please do so from your web browser or by saving the page as a PDF.

California Shine the Light. The California "Shine the Light" law permits users who are California residents to request and obtain from us once a year, free of charge, a list of the third parties to whom we have disclosed their personal information (if any) for their direct marketing purposes in the prior calendar year, as well as the type of personal information disclosed to those parties.

SUPPLEMENTAL NOTICE FOR NEVADA RESIDENTS

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Information to third parties who intend to license or sell that Personal Information. You can exercise this right by contacting us at privacy@MSCHF.xyz with the subject line "Nevada Do Not Sell Request" and providing us with your name and the email address associated with your account. Please note that we do not currently sell your Personal Information as sales are defined in Nevada Revised Statutes Chapter 603A. If you have any questions, please contact us as set forth below.

- **CHILDREN'S INFORMATION**

The Services are not directed to children under 18 (or other age as required by local law), and we do not knowingly collect personal information from children. If you are a parent or guardian and believe your child has uploaded personal information to our site without your consent, you may contact us as described in "[Contact Us](#)" below. If we become aware that a child has provided us with personal information in violation of applicable law, we will delete any personal information we have collected, unless we have a legal obligation to keep it, and terminate the child's account if applicable.

G. OTHER PROVISIONS

Third-Party Websites/Applications. The Services may contain links to other websites/applications and other websites/applications may reference or link to our Services. These third-party services are not controlled by us. We encourage our users to read the privacy policies of each website and application with which they interact. We do not endorse, screen or approve, and are not responsible for, the privacy practices or content of such other websites or applications. Providing personal information to third-party websites or applications is at your own risk.

Supervisory Authority. If you are located in the European Economic Area, Switzerland, or the United Kingdom, you have the right to lodge a complaint with a supervisory authority if you believe our processing of your personal information violates applicable law.

Changes to our Privacy Policy. We may revise this Privacy Policy from time to time in our sole discretion. If there are any material changes to this Privacy Policy, we will notify you as required by applicable law. You understand and agree that you will be deemed to have accepted the updated Privacy Policy if you continue to use our Services after the new Privacy Policy takes effect.

- **CONTACT US**

If you have any questions about our privacy practices or this Privacy Policy, or to exercise your rights as detailed in this Privacy Policy, please contact us at:

MSCHF

Re: Privacy Compliance Officer

395 Wythe Ave, Brooklyn, NY 11249
privacy@MSCHF.xyz