

## **PRIVACY POLICY**

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# PRIVACY POLICY

## General Information

FORSILIUS LIMITED, referred to as "Nymph," "Platform," "we," "us," or "our," values your privacy and is dedicated to safeguarding the personal data we collect about you.

This privacy policy ("Policy") outlines our practices concerning the personal data we collect from our Authors and Fans. It also applies to the processing of personal data of individuals featured in Content uploaded by an Author and situations where we process your personal data related to our business relationships.

Please review this Policy to comprehend how we handle your personal data in connection with the Services. By using our Services, you acknowledge that you have read and understand the information provided in this Policy.

This Policy is supplementary to, but not a part of, our Terms of Use (which includes our Acceptable Use Policy) that govern your use of our Website and the Services.

We process your personal data when you utilize our website at <https://nymph.club> ("Website"). Additionally, we process your personal data when you engage with us on our social media pages hosted on third-party websites (such as Twitter and Instagram) or through other means. We collectively refer to these activities as the "Services" in this Policy.

In the context of the Services, we act as the "data controller" of the personal data we process. This means we determine the purpose and manner in which we process personal data about you.

Our Services are exclusively intended for individuals aged 18 or older. Those under 18 are prohibited from using the Services. By using the Services, you confirm that you are 18 years of age or older.

It is vital to ensure that the personal data we possess about you is accurate and up-to-date. Kindly inform us if there are any changes to your personal data during your association with us. You can update or correct your information through your account settings on our Platform.

We may periodically update this Policy, with such updates becoming effective upon posting the revised Policy on our Website. We will make reasonable efforts to notify you in the event of significant updates, such as sending you a notification or message through your account on our Platform, at our own discretion.

## **Terms**

"Personal data" - information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular person or household.<sup>1</sup>

### **Types of personal Data**

We, or our third-party providers acting on our behalf, process various categories of personal data for Authors and Fans, which are categorized as follows:

#### **Customer Data:**

- Name
- Email address
- Telephone number
- Residential address
- Country of residence
- A copy of the government-issued identity document (accompanied by a "selfie" of you holding the document) that you provide to us

#### **Third-Party Onboarding Data:**

- A copy of the government-issued identity document provided to our third-party providers
- A brief .gif image, derived from the "selfie" you provide to our third-party providers
- Results of the third-party age and identity verification process (including pass/fail status and reasons for failure)
- Metadata associated with the third-party age and identity verification process (e.g., start and finish times)

#### **Account Data:**

- Profile name
- Password
- Avatars and headers of your account
- Information related to your subscriptions, subscribers, and referrals
- Posts made on your account

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<sup>1</sup> Our Services are not provided to persons that are younger than the age limit established in the Terms of Use. Persons younger than the age limit are not allowed to use any Services, and we voluntarily do not collect such data.

- Comments on posts made from your account
- Chat messages between you and other customers
- Customer support queries submitted to us

**Financial Data:**

- Electronic (digital) wallet credentials
- Payment card details
- Pay-out country
- Funds added to your wallet

Please note: Any payments made to access Author content are processed by our third-party payment providers. We bear no legal responsibility for additional fees charged by the payment platform and other financial institutions for transactions.

**Transaction Data:**

- Earnings
- Pay-out requests
- Payments made to and from your account with other Customers
- Any failed payments

**Technical Data:**

- Internet Protocol (IP) address (along with associated location data)
- Internet Service Provider (ISP)
- Device type and specifications
- Name and version of your browser

**Usage Data:**

We use cookies when necessary to allow you to browse the Services and access specific pages of the Website. With your consent, we also use cookies for the following purposes:

- Performance on the Website (e.g., to analyze customer interactions for improving Services and recognizing referrals through unique codes for Authors).
- Website functionality (e.g., saving your logged-in status).

Additionally, we may collect information that cannot identify you or is unrelated to your identity, such as de-identified, aggregated, or anonymized data. This data category does not qualify as personal data, and its usage is not governed by this Policy.

## **Absence of Personal Data Provision**

We require specific personal information from you to grant access to the Services as outlined in our Terms of Use. Additionally, we are obligated to process certain personal data in accordance with relevant laws. Please be aware that if you choose not to provide requested personal data, we will not be able to grant you access to the Services or specific features and functionalities on the Platform.

## **Third-Party Links**

Our Platform may contain links to third-party websites, plugins, and applications. Clicking on these links or enabling these connections may enable third parties to gather or share your personal data. We are not accountable for, and this Policy does not extend to the content, security, or privacy practices of those other websites, plugins, or applications. When you access those third-party services, you leave our Website, and we are not liable for, nor can we control, the security, storage, and privacy measures used by any third-party websites or services. We encourage you to review the privacy and cookie policies/notices of those third parties to understand how your personal data may be utilized.

## **Onboarding procedures**

To ensure the integrity of our Customer base on the Platform, we have established procedures to confirm that all Customers:

1. Meet Age Requirements: Customers must be at least 18 years of age.
2. Verify Their Identity: Identity verification is mandatory.

Before initiating the process to create a Customer account, we will:

**Request Customer Data:** Please refer to the "Categories of personal data" section for details on the information we will collect from you.

**Confirm Your Residence:** We will verify your country of residence to ensure your lawful access to the Platform and its services.

**Collect Financial Data:** This information is necessary for Author payments and Earnings access on the Platform. It also serves as a verification and anti-fraud measure.

## **Utilize Third-Party Age and Identity Verification:**

- This step involves our third-party provider collecting a brief .gif image, derived from a "selfie," and a photo of a government-issued identity document (both provided by you). The third-party provider then employs Face Recognition Data to match the two images, digitally confirming your age and identity.

- Note that we do not collect, receive, possess, or access any Face Recognition Data gathered or processed by our third-party providers during this process. We only receive the process results (pass/fail and reason for failure) to maintain a record of the age estimation process.
- We perform identity verification to ensure that we proactively decline to provide our Services and do not collect personal data from individuals below the age limit specified in the Terms of Use or from individuals using false identities.

Note that you undertake to ensure the accuracy, truthfulness and relevance of the information provided and are responsible for this. You will be solely and fully responsible for unlawful access the Platform providing fake documents.

**Receive Third-Party Onboarding Data:** In compliance with applicable laws, we may obtain Third-Party Onboarding Data and specific Technical Data, as outlined in the "Categories of personal data" section, to maintain a record of the age and identity verification process.

**Confirm Previous Account Status:** We will verify that you have not previously been banned from using the Platform and our Services, such as due to violations of our Terms of Use.

**Purpose of Face Recognition Technology:** We use face recognition technology with the primary aim of ensuring of security on the Platform and ensuring our compliance with relevant laws. This technology serves to reduce the risk of fraudulent face image spoofing and the submission of fake government identity documents during the onboarding process.

**Fraud Prevention Measures:** In instances where our third-party providers detect potentially fraudulent activities, such as the use of falsified documents, they may maintain records of such incidents, including Face Recognition Data. This information is retained for the purpose of identifying unlawful activities and preventing unauthorized access to the Platform. Such information can be shared with government agencies and government bodies of Customer's registration state and other states. By using any Services, you acknowledge and agree that we will transfer and store your personal data in the countries, where different from your country rules and regulations of data protection might apply, and personal data may become disclosed according to the law (including to law enforcement authorities and/or national security institutions).

**Periodic Identity Verification:** During you are an account holder, there may be occasions when we request periodic identity verification. If you have previously completed the third-party age and identity verification process, and where permitted by applicable laws, our third-party providers may retain Face Recognition Data. This retention enables you to authenticate your identity without the need to re-submit your government identity document when undergoing the verification process.

**Withdrawing Consent for Face Recognition Data Retention:** If you wish to withdraw your consent for the retention of your Face Recognition Data for subsequent authentication purposes and have it deleted, you can do so by reaching out to us at [support@nymph.club](mailto:support@nymph.club). It's important to note that withdrawing this consent will not impact your ability to successfully complete future authentication processes. However, in such cases, you may be required to provide your

government identity document once again to the third-party provider during the authentication process.

## **Lawful basis for processing your personal Data**

We process personal data based on one or more of the following legal grounds:

Consent: Your consent is requested only in special cases, which include, for example, the processing of:

- data related to facial recognition by our third-party providers as part of age and personality testing for all Customers;
- age verification;
- to conclude any agreement that constitute the Terms of Use at the beginning of the interaction.

Contract Performance: By using the Services, you enter into a contract with us in accordance with our Terms of Use and we will process personal data to fulfill this contract (for example, to make Transactions between Fans and Authors and to process Authors' Earnings) and to enforce the terms of this contract.

Legitimate interests: We may process personal data if it is in our legitimate interests or other third party interests to do so. "Legitimate interests" include a number of different reasons why we might need to collect and process your personal data. This includes, for example, investigating and responding to a report made under our DMCA takedown procedure, conducted to protect the intellectual property rights of the Author.

Compliance with legal obligations: As a global business, we may process personal data pursuant to applicable laws, rules and regulations in places where we conduct our business.

Public interest: We may process personal data as necessary to perform a task carried out in the public interest. This may include, for example, reporting illegal activities to relevant law enforcement authorities, other government agencies and non-governmental organizations.

We will only use your personal data for the purposes for which we have collected it, unless we reasonably believe we need to use it for another reason, and that reason is consistent with the original purpose.

The purposes for which your personal data is processed and the legal justification for processing are indicated below. Consent is a legitimate ground for:

- Data analysis and testing, system maintenance, reporting and data hosting to maintain, develop and improve the provision of Services (for example, security, performance and functionality).
- Verification of the Author's age and identity and, where applicable, subsequent authentication (in particular with regard to the processing of Face Recognition Data).
- Verification of the Fan's age and identity and, where applicable, subsequent authentication in certain locations (in particular in connection with the processing of Face Recognition Data).

- Estimation of the Fan's age in certain locations (in particular in connection with the processing of age estimation, which may include the use of Face Recognition Data).

Contract performance is a legitimate ground for:

- Account creation.
- Fan age verification (to the extent we are able to do so without third-party age and identity verification or third-party age estimation).
- Verifying the validity of a government identity document and keeping records of the age and identity verification process (for Authors and Fans in certain places).
- Keeping records of the age estimation process (for Fans in certain locations).
- Providing Services, including hosting of Author's content, making transactions between Fans and Authors, and processing Author's Earnings.
- Providing technical support to Fans and Authors.
- Communicating with you about the Services, responding to support requests or sharing information about the Services
- Moderation and filtration of text and content uploaded to the Platform; livestreaming on the Platform; content sent in chat messages on the Platform to monitor and investigate violations of our Terms of Use.
- Filtration of text sent in direct messages on the Platform to investigate violations of our Terms of Use.
- Removal from the Services text and content uploaded by Customers that is determined to violate our Terms of Use, and, if necessary, suspension or deactivation of Customer accounts.
- Removal from the Services of text and content uploaded by Customers that are determined to be illegal, and suspension or deactivation of these Customer accounts.

Legitimate Interests are a lawful ground for:

- Keeping records of banned Customers to prevent further access to the Website.
- Reporting illegal activity to relevant law enforcement authority, other government agencies and non-governmental organizations.
- Preservation and sharing of personal data in the context of legal proceedings.
- Compliance with applicable laws, rules and regulations.
- As necessary or appropriate to protect the rights and property of our Customers, us, and other third parties.
- As appropriate in the context of a possible sale, merger, acquisition, business reorganization.



- Monitoring transactions and corporate networks, systems, applications, and data, to identify malicious, misleading, fraudulent or illegal activities to protect information security and integrity and Customer security; and to respond to incidents / investigate incidents where appropriate.
- Processing of personal data in relation to sponsorship and our relationships with service providers, professional consultants and other third parties for business purposes.

Compliance with legal obligations is a lawful ground for:

- Removal from the Services of text and content uploaded by Customers that is determined as illegal, and suspension or deactivation of these Customer accounts.
- Complying with applicable laws, rules and regulations.

## **Acquisition of your personal Data**

We procure your personal data from the following sources:

**Directly from You:** This includes information you provide when opening an account and using our Services, updating your personal details within your account, or corresponding with us (e.g., Customer Data, Account Data).

**Automatically or Indirectly from You:** This data is generated and gathered as a consequence of your usage of our Services (e.g., Transaction Data, Technical Data, Usage Data).

**Through Our Service Providers:** For instance, we may obtain Third-Party Onboarding Data and specific Technical Data from our third-party age and identity verification providers.

## **Sharing personal Data**

We disclose personal data to the following categories of third parties:

1. **Third-party service providers:** This includes IT, payment processing, customer support, content and text moderation, and age and identity verification/age estimation service providers. We share personal data with these providers based on our legitimate interests, specifically to receive services supporting our business functionality.
2. **Professional advisers:** This category includes legal advisors, bankers, auditors, accountants, consultants, and insurers. For our professional advisers personal data is necessary to provide their services to us. We share personal data with them based on our legitimate interests in receiving professional services.
3. **Corporate:** Relevant third parties in the event of a potential sale, merger, acquisition, business reorganization, or group restructuring exercise. We share personal data with these parties based on our and their legitimate interests, specifically in assessing and implementing potential transactions.

4. Our group companies: Personal data is shared for centralized coordination and management of our business operations. We share personal data within our group companies based on our legitimate interests in coordinating our global business operations.
5. Relevant authorities, regulators, and organizations: We share personal data in response to requests from governmental authorities, law enforcement, tax authorities, regulators, and certain non-governmental organizations. We share personal data with these entities to comply with legal obligations, fulfill our legitimate interests, or serve the wider public interest, especially in reporting illegal content and ensuring the safety of our Customers and third parties.

## **Your personal Data Rights**

You have particular rights regarding the collection and processing of personal data. Your rights may vary depending on applicable law, but may include:

- Right to access to your personal data: You may receive a copy of the personal data we hold about you and to check whether we process it lawfully.
- Right to edit your personal data if any information is incorrect or incomplete.
- Right to withdraw your consent to the processing of your personal data: Please note that the withdrawal of your consent will not affect the legality of any processing carried out before you withdrew your consent.
- Right to delete / erasure your personal data ('Right to be forgotten'): You can ask us to delete or otherwise dispose of any of your personal data that we process. Please note that we are not always able to fulfill your request of deletion / erasure for certain legal reasons.
- Right to restriction of processing of your personal data: You may ask us to suspend the processing of your personal data, for example, if you want us to determine their accuracy or the reason for their processing.
- Right to object to the processing of personal data if we rely on a legitimate interest in processing, and there is something in your particular situation that makes you object to processing on this basis. Please note that the right to object is applicable only in certain situations and depends on the tasks or legal grounds for processing.
- Right to data portability. This applies only in cases where you have directly provided us with your data. Your acceptance of the agreement and compliance with its terms provide a legitimate basis for data processing. We process your data by automatic means. In such cases, you have the right to receive your personal data (or ask us to transfer it to another party) in a structured, widely used and machine-readable format.
- You also have the right to lodge a complaint with a supervisory authority.

If you want to exercise your rights set out above, you can do so by contacting us via email [support@nymph.club](mailto:support@nymph.club).

If you submit a request yourself, please make sure that your request contains sufficient information to allow us to confirm your identity and properly understand, evaluate and respond to it.

In order to confirm your identity, we may sometimes need to request additional personal data from you, taking into account our relationship with you and the sensitivity of your request. Under certain circumstances, we may reject a privacy rights request, especially in cases where we cannot verify your identity.

If your request is made by a third party authorized by you, we will also need proof that the third party has permission to send the request on your behalf (for example, a signed document confirming that the third party has the authority to send the request).

## **Retention of personal Data**

We will retain your personal data only for the duration necessary to fulfill the purposes for which it was collected, as outlined in this Policy. Generally, we retain personal data for a period of 6 months after your account on the Website is deleted or deactivated, subject to the exceptions below.

Please note the following:

1. Earlier Deletion: We will delete your personal data sooner if a shorter retention period is mandated by applicable law.
2. Extended Retention: We may retain your personal data for a longer period when necessary for processing activities outlined in this Policy, including but not limited to:
  - Compliance with applicable laws, regulatory obligations, and record-keeping requirements. This includes financial, tax reporting and other obligations. If we receive valid legal requests, such as preservation orders or search warrants related to your account, we may also retain data.
  - Identification and reporting of illegal activities, ensuring the safety of our Customers and third parties, and safeguarding the rights and property of Customers, us, and other third parties. This applies, for instance, in situations where violations of our Terms of Use have occurred.
  - Legal proceedings, such as defending ourselves in litigation related to your account.
  - Responding to requests from third parties concerning your account, including requests from law enforcement authorities, governmental institutions and non-governmental organizations.

The specific personal data we retain and the duration of retention will be determined on a case-by-case basis, depending on the unique circumstances. We store your personal data until it is reasonably necessary to achieve the purposes for which it was collected, as stated in this Policy.

## **Additional U.S. State Privacy Disclosures**

States of California, Colorado, Connecticut, Nevada, Utah, and Virginia:

These additional U.S. State Privacy Disclosures ("U.S. Disclosures") supplement the information contained in our Privacy Policy by providing additional information about our personal data processing practices relating to individual residents of these states.

Unless otherwise expressly stated, all terms defined in this Policy retain the same meaning in these U.S. Disclosures.

For the purposes of this U.S. Disclosures, personal information does not include publicly available information or deidentified, aggregated or anonymized information that is maintained in a form that is not capable of being associated with or linked to you.

No sales for targeted advertising: We do not otherwise sell personal information or share personal information for purposes of targeted advertising.

Sensitive information: Although sensitive information may be disclosed for a business purpose as described below, we do not sell or share sensitive information for the purpose of targeted advertising.

The following personal data elements we, or our service providers collect may be classified as "sensitive" under certain privacy laws ("sensitive information") including:

- username and password;
- social security number, driver's license number, and passport number;
- government-issued identification number;
- payment card number and the name registered with your payment card;
- Face Recognition Data (biometric information which is collected and processed by our third-party providers).

We use this sensitive information for the purposes set out at Section «Lawful Basis for processing your personal Data», to the extent necessary for the functioning of our Services, for the conclusion and execution of a contract with you, for compliance with legal and regulatory requirements, to protect the safety of our Customers and third parties or in any other way acceptable to our own internal purposes in accordance with applicable law.

De-identified Information: From time to time, we may receive or process personal data to create de-identified information that can no longer be reasonably used to obtain information about a particular individual or household or otherwise related to them. Where we maintain deidentified information, we will maintain and use the information in a de-identified form and will not attempt to re-identify the information, except as required or permitted by applicable law.

Minors: Our services are intended exclusively for individuals aged 18 and older. Individuals under the age of 18 are not allowed to use the Services. By using the Services, you confirm that you are 18 years old or older.

The following disclosures only apply to residents of the State of California:

California law requires that we disclose to you information about what personal data we collect by referring to the categories of personal data specified in California law. In order to fulfill this obligation, we have identified the appropriate category of personal data of the State of California for the personal data (described in more detail in Section "Types of personal data"):

- Identifiers: such as your name, address, phone number, email address, passport or other government identity information including driver's license information, account information, or other similar identifiers.
- Customer Records: such as your driver's license number, passport number, bank account number, credit or debit card number, or other financial information
- Protected Classification Characteristics: Such as age, date of birth, and gender.
- Commercial Information: Such as information about products or services purchased and your use of our Services.
- Biometric Information: Which is limited to Face Recognition Data, used by our third-party providers for age and identity verification purposes. Face Recognition Data remains with our third-party providers and we do not ourselves collect, receive, possess, or have access to this data.
- Internet / Network Information: Such as device information, log, and analytics data.
- Sensory Information: Such as pictures and videos (content) you upload to the Website.
- Professional / Employment Information: Such as occupation and professional references
- Other Personal Data: Such as communication preferences, customer service and communication history, personal data an individual permits us to see when interacting with us through social media, personal data an individual provides us in relation to a question or request, and messages you send us through our Services or make available to us on social media.
- Inferences: Such as information generated from your use of our Services.

We may disclose all of these categories of personal data for a business purpose to service providers or other third parties, as outlined in this Policy.

### **Disclosure of personal data**

As indicated in the section "Sharing personal Data", we may disclose the categories of personal data specified above to the following categories of third parties for various business purposes: our group and affiliated companies, service providers, our professional consultants, business partners, other businesses necessary to provide our services, and certain third parties if you have provided consent if it is related to a corporate transaction, or if required by law, or in connection with another legal process.

**Sources of personal data**

We collect personal data directly from you, from your browser or device when you interact with our services, as well as from our business partners and affiliates, third parties that you send to exchange information with us, and other third-party providers. For more information, please refer to Section "Acquisition of your personal Data".

**Purpose for collection**

We collect personal data about you for the purposes set out in Section "Lawful basis for processing your personal Data".

**Notice of financial incentives**

As discussed above, we currently do not use any cross-site tracking technologies and we do not sell personal data collected about you, or share personal data collected about you for crosscontext behavioural advertising.

Currently, we offer a referral program, according to which existing Customer of the Platform can use their unique referral code to introduce people interested in becoming Customer on the Platform, and the referring Customer will receive referral payments based on the referred Author's Earnings. The Referral program is governed by our Terms of Use, and any such referral payouts are calculated as described in the Terms of the Referral Program in our Terms of Use.

Any personal data related to the referring Customer or the referred Author is processed in accordance with this Privacy Policy.

You may exercise your rights in relation to your personal data as outlined in this Policy by emailing [support@nymph.club](mailto:support@nymph.club).

If you have any questions about this Policy or the processing of your personal data, please contact us via e-mail [support@nymph.club](mailto:support@nymph.club).