

# Privacy Policy

Last updated: 11/11/2024

## Welcome to POPDUCK!

SPARKLING AI PTE. LTD. (“we”, “us”, and/or “our”) operates the POPDUCK mobile application (the “**App**”) and our website at <https://www.popduck.ai/> (the “**Website**”, collectively with the App, the “**Services**”). This Privacy Policy (the “**Policy**”) describes how we collect, store, use, and share information through our Services. Please note that our Services are not designed for use within the European Economic Area, UK, and Switzerland.

We care about the protection and confidentiality of your information. When you use the Services, you may provide information during your conversations with the AI-generated agents. We process your personal information only as described in this Policy, such as to allow you to have individualized and safe conversations and interactions with your AI agent and to allow your AI agent to learn from your interactions to improve your conversations. We may also use information about your visit to our App and Website to promote our Services, but we will never use or disclose the content of your POPDDUCK conversations for marketing or advertising purposes.

If you have any questions regarding this Policy, please contact us according to the information listed below under the Section “Contact Us”.

## 1. PERSONAL INFORMATION WE COLLECT

For the purpose of this Policy, “personal information” means any information relating to an identified or identifiable individual. In certain jurisdictions, this may be referred to as “personal data”. However, for the sake of consistency, this Policy will use the term “personal information” throughout to refer to such data. To the extent that our processing of your personal information is subject to certain data privacy protection laws (including, but not limited to the California Consumer Privacy Act of 2018 (“CCPA”), California Privacy Rights Act of 2020 (“CPRA”), Personal Data Protection Act of Thailand, Indonesia Data Protection Law, and Decree No. 13/2023/ND-CP on the Protection of Personal Data of Vietnam, collectively hereafter “applicable laws”), we will also notify you about the legal basis on which we process your personal data and your rights under such laws.

### 1.1. Information you provide

Through your use of the Services, you may provide us with the following information:

a. **Account Information.** This includes your phone number, verification code and password. When you use our Service, you may create an account with your phone number to complete the registration and become our user. We may verify your identity by sending a verification code. If you refuse to provide Account Information for registration and login, we may be unable to offer you our Services.

b. **Profile Information.** This includes your profile picture, nickname, and personal status. After you have created and logged into your account, you can further edit your personal profile. If you refuse to provide the Profile Information, it will not affect your use of our Services.

c. **Conversation Interaction Information:** When interacting with our AI agents, we collect your input data (“Inputs”), such as text and voice messages. These Inputs are analyzed to enhance our understanding of your inquiries and context, enabling us to provide you with responses (“Outputs”) tailored to your specific needs. Specifically, when you use our voice conversation service communicating with the AI agents, we will request permission to access your device’s microphone. With your consent to the access permission, we will collect your voice information, send your voice commands to the server, and provide feedback based on your voice commands. During the conversation, if you choose to convert your voice into text, we will also collect and use the converted text content to provide you with intelligent conversation services. The Conversation Interaction information is necessary to offer you the interaction features with POPDUCK agent. If you refuse to provide this information, you will be unable to use the interaction features.

d. **Feedback Information.** This includes your feedback on complaints as well as your feedback on the Outputs during the conversation, including likes, dislikes, and comparative ratings such as “worse” or “better” than the previous response. If you refuse to provide the Feedback Information, it will not affect your use of our Services.

e. **Information Provided for Creating Your Agents.** This includes the AI agents’ profile picture, nickname, and description for your AI agent creation. Following the instructions on the service page, you can further input or set various information, including agent settings, opening lines, and other details (specific details subject to the product interface displayed at that time), to complete agent setup and creation. We particularly remind you that if you choose “public”, other users can also converse with the agent you’ve set up, and the agent will send the opening lines you’ve set to other users. The aforementioned information is necessary for creating your agent. If you refuse to provide this information, you may be unable to create your agent, but it will not affect your use of other services.

f. If you provide us with personal information relating to a third party, including but not limited to a third party’s voice, by submitting such information to us, you represent to us that you have obtained the consent of the third party in accordance with all applicable laws and regulations to provide us with their personal information for the respective purposes.

## **1.2. Information we collect automatically**

We automatically log the following information about you, your computer or mobile device, your network, and your interactions over time with our Services:

a. **Device and Network Data.** This includes your hardware model, operating system version number, device identifiers (for Android, including Android ID, OAID, IMSI, SIM card information such as ICCID, GAID; for iOS, including IDFV, IDFA; different identifiers may vary in terms of validity period, whether they can be reset by users, and acquisition method), network device hardware address (device MAC address), client hardware characteristics, IP address, WLAN access point (such as SSID, BSSID),

Bluetooth, base station, software version number, network access method, type, status, network quality data, network source and destination addresses, network source port, operation time and type, use, service logs, device sensor data (such as accelerometer), running process information, overall operation and usage frequency of pages, page crash situations, overall usage, performance data.

b. **Usage Data.** This includes your behavior information while using the Services, including your click, browsing, and editing activity records.

### 1.3. Sensitive Personal Information

Sensitive personal information generally refers to information concerning an individual's privacy rights that, when breached, directly impacts the individual's legitimate rights and interests. The scope of sensitive personal information may vary in different jurisdictions, and in compliance with legal requirements in each jurisdiction, we have identified the sensitive personal information that may be collected by us:

| Countries         | Sensitive Personal Information                                                                                             |
|-------------------|----------------------------------------------------------------------------------------------------------------------------|
| The United States | Verification codes, password, and potentially sensitive personal information in your Conversation Interaction Information. |
| Thailand          | Potentially sensitive personal information in your Conversation Interaction Information                                    |
| Vietnam           | Potentially sensitive personal information in your Conversation Interaction Information                                    |
| Indonesia         | Potentially sensitive personal information in your Conversation Interaction Information                                    |

We do not actively collect your sensitive personal information during your conversations. If you prefer not to provide such information, you can avoid discussing topics related to your health, finances, etc., which may involve sensitive personal information. Additionally, we will implement security measures to protect any sensitive personal information you provide in accordance with applicable laws.

## 2. HOW WE USE YOUR INFORMATION

We will only use your personal information when the applicable laws allow us to. Our legal bases for collecting and using the personal information described in this Policy depends on the personal information we collect and the specific context in which we collect the information:

• We need to perform a **contract** with you;

• You have given us **consent** to do so;

• In specific jurisdictions, processing your personal information is in our **legitimate interests**, including

§ providing, maintaining and marketing our Services;

§ detecting, preventing and enforcing violations of our Terms of Use including misuse of services, fraud, abuse, and other trust and safety protocols; and

§ protecting our legal rights and the rights of others.

Ÿ We need to comply with our **legal obligations** under the applicable laws.

The purposes for which we process personal information, subject to applicable laws, and the legal basis on which we perform such processing, are as follows:

| Purpose                                                                                                                                                                  | Type of Personal Information                                                                                           | Legal Basis                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| To provide you with functions related to user account management, such as account registration, account deletion, account login, and modification of account information | Ÿ Account Information<br>Ÿ Profile Information<br>Ÿ Device and Network Data                                            | Performance of contract                                           |
| To provide the core functionality of the Services, including communicating with AI agent, and creating your AI agent                                                     | Ÿ Conversation Interaction Information<br>Ÿ Information Provided for Creating Your Agents<br>Ÿ Device and Network Data | Performance of contract                                           |
| To monitor and protect the Services to ensure the normal operation of the Services you use, including preventing fraud, criminal activity, and misuse of our Services    | Ÿ Account Information<br>Ÿ Device and Network Data<br>Ÿ Usage Data                                                     | Performance of contract & Legitimate interests                    |
| To respond to your inquiries, comments, feedback or questions                                                                                                            | Ÿ Account Information<br>Ÿ Feedback Information                                                                        | Performance of contract & Legitimate interests                    |
| To improve your experience, including allowing the AI agents to learn from the deidentifying information to improve its functionality, including to train our AI models  | Ÿ Conversation Interaction Information<br>Ÿ Information Provided for Creating Your Agents<br>Ÿ Feedback Information    | Legitimate interests & Consent, where required by applicable laws |

|                                                                                   |                                                                                                                                                                                                                    |                                                                                       |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| To comply with legal obligations, and defending against legal claims and disputes | ÿ Account Information<br>ÿ Profile Information<br>ÿ Conversation Interaction Information<br>ÿ Information Provided for Creating Your Agents<br>ÿ Feedback Information<br>ÿ Device and Network Data<br>ÿ Usage Data | Legal Obligations & Legitimate interests & Consent, where required by applicable laws |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|

Please note, when we use the information you provide us to improve our Services, for example to train the models that power POPDUCK, we will de-identify the information so that it may no longer be used to identify you. If you would like to opt out of such training, please contact us via contact details' information. After it is disabled, new conversations will not be used to train our models.

### 3. COOKIES AND SIMILAR TECHNOLOGIES

We and our service providers may use cookies or similar technologies to collect the above data when you access our Services. Cookies are text files stored on your device to uniquely identify your browser or to store information or settings in the browser to help you navigate between pages efficiently, remember your preferences, enable functionality, help us understand user activity and patterns.

Some cookies are necessary, such as those we use for user authentication and identification like Oasis-Token and Oasis-Webid. Some cookies help us to customize or personalize your experience, offer additional products or services to you, and analyze the use of our Services to make it more useful to you. These technologies may also allow us to collect demographic and statistical data and provide this information to our service providers to help deliver their services.

Most internet browsers allow you to remove or manage cookie functions and adjust your privacy and security preferences. Please note, however, that disabling our cookies may mean that you may not be able to take full advantage of our Services.

### 4. HOW WE SHARE YOUR PERSONAL INFORMATION

In order to provide you with more comprehensive and high-quality Services, we will authorize our commercial partners to provide certain services to you. In such cases, we may share some of your personal information with our partners.

We will only share your personal information for lawful, legitimate, necessary, specific, and explicit purposes, and we will only share the personal information required to provide the Services. We will require

our partners, through agreements, to retain data only for the necessary period and to implement adequate security measures to protect data security.

We will disclose personal information to the following categories of third parties for the purposes explained in this Policy:

- **Affiliates and corporate partners.** We disclose the categories of personal information described above between and among our affiliates and related entities, for legitimate business purposes and the operation of the Services, in accordance with applicable laws.
- **Service providers and business partners.** Third-party service providers who provide us with technology services (such as cloud storage service, speech input recognition and text-to-speech service providers) and business support (such as growth analysis Software Development Kit provider) may need to process your data. These third parties will process your personal information on our behalf under relevant contracts.
- **Law enforcement agencies, public authorities or other judicial bodies and organizations.** We disclose Information if we are legally required to do so, or if we have a good faith belief that such use is reasonably necessary to comply with a legal obligation, process or request; enforce our Terms of Use and other terms, policies, and standards, including investigation of any potential violation thereof; detect, prevent or otherwise address security, fraud or technical issues; or protect the rights, property or safety of us, our users, a third party or the public as required or permitted by applicable laws (including exchanging information with other companies and organizations for the purposes of fraud protection).
- **Change of corporate ownership.** If we are involved in a merger, acquisition, bankruptcy, reorganization, partnership, asset sale or other transaction, we may disclose your Information as part of that transaction.

## 5. HOW WILL WE TRANSFER YOUR DATA AROUND THE WORLD

Our Services are operated from Malaysia. If you are located outside Malaysia, please be aware that the information you provide to us may be transferred to, stored, and processed in Malaysia. Meanwhile, due to the international nature of our business, your personal information may also be accessed by our affiliates or be transferred to third-party service providers and business partners, in connection with the purposes set out in this Policy. For this reason, we transfer personal information to other jurisdictions that may have different laws and data protection compliance requirements to those that apply in the jurisdiction in which you are located.

In the event of an international transfer of personal information, when required by applicable laws, we will provide an adequate level of protection for your personal information using various means, including implementing data transfer agreement that comply with applicable laws between our affiliates and third parties or any other lawful approach that permits the lawful transfer of personal information from those countries.

## 6. HOW WE SECURE YOUR INFORMATION

We have implemented appropriate technical and organizational security measures designed to protect your personal information against accidental or unlawful destruction, loss, alteration, unauthorized disclosure, unauthorized access, and other unlawful or unauthorized forms of processing, in accordance with applicable laws.

Your account is protected by a password for your privacy and security. You must prevent unauthorized access to your account and personal information by selecting and protecting your password appropriately and limiting access to your computer or device and browser by signing off after you have finished accessing your account. If you have any concerns that your account or personal information has been put at risk, for example if someone could have found out your password, please contact us by using the contact details provided in the Section “Contact Us”.

While we use reasonable commercial efforts to protect the data, no technology, data transmission, or system can be guaranteed to be 100% secure. In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to your data, we will notify you according to the applicable laws.

## **7. HOW DO WE RETAIN YOUR PERSONAL INFORMATION**

We adhere to retention policies for the personal information we collect to ensure that it is not retained longer than necessary for the intended purpose. Different retention periods are applied to the various types of personal information collected by us in accordance with the service needs and regulatory requirements, for example:

- Phone number: When you register or log in using your phone number, we need to continuously retain your phone number to provide you with the Services, address any queries or complaints you may have, and safeguard the security of your account and the system.
- The information you input, feedback you provide, likes, and dislikes, will be retained during the period before you withdraw, delete, or deactivate your account, and will be used to continuously provide you with better services.
- The retention period for IP addresses is 3 years.
- The retention period of device ID collected by cookies is 30-61 days.

If you deactivate your account, delete personal information, or the retention period is expired, we will delete or anonymize your personal information, except in the following cases:

- Compliance with legal requirements regarding data retention according to the applicable laws.
- Extension of the period for financial, audit, dispute resolution, or other legitimate purposes.

When assessing how long your personal information is retained, we consider criteria such as: (i) the nature of the personal information and the activities involved; (ii) when and for how long you use the Services; and (iii) our legitimate interests and our legal obligations.

## **8. YOUR RIGHTS AND CHOICES**

Subject to applicable law and depending on where you reside, you may have some rights regarding your personal information, as described further below. You may exercise some of your right in the App or Website via “Profile > Settings > Account management”. If you have any other requests relating to the access of your personal information, please contact us using the contact details listed in the Section “Contact Us”.

### **8.1 Data Access**

You may have the right to know what personal information we process about you, including the categories of personal information, the business or commercial purposes for collection, the categories of third parties to whom we disclose it and other information according to the applicable law.

You may have right to access and obtain a copy of your personal information in accordance with the applicable laws. Where applicable, we will provide the information in a portable, machine-readable, readily usable format.

### **8.2 Data Correction**

You may have the right to request that we correct inaccurate personal information that we retain about you, subject to certain exceptions.

### **8.3 Data Deletion**

You have the right to delete your account and erase your personal information. Upon deleting your account, all your personal information will be deleted. Additionally, you may also request deletion of the personal information you provide by contacting us. If some of your personal information cannot be deleted, we will inform you of the reasons for not taking action.

Please note that we reserve the right to retain some of your personal information where there are valid grounds for us to do so under applicable laws.

### **8.4 Withdrawal of Consent**

Where we process your personal information on the basis of your consent, you may withdraw your consent by contacting us. The withdrawal of consent will not affect the lawfulness of processing based on consent before its withdrawal.

### **8.5 Objection to the Processing**

Subject to applicable laws, you may object to the processing of your personal information based on our legitimate interests where there are grounds relating to your particular situation by contacting us. Please note that we may have an overriding legitimate interest to keep processing your personal information, but we will let you know where this is the case.

In specific jurisdictions, you may only have the right to request the objection of processing your personal information under certain circumstances. For example, in Thailand, you have the right to object the processing of your data where one of the following applies:

- When personal information is collected without consent unless the data controller can prove compelling legitimate grounds or it's for legal claims.



• When personal information is used for direct marketing.

• When personal information is processed for scientific, historical, or statistical research, unless necessary for a task carried out for public interest.

## 8.6 Restriction to the Processing

If you would like to restrict our processing of your personal information, you may contact us. In specific jurisdictions, you may only have the right to request the restriction of processing your personal information under certain circumstances. For example, in Thailand, you have the right to restrict the processing of your data where one of the following applies:

• The data controller is pending examination of your request.

• Your personal information should be erased or destroyed, but you request its restricted use instead.

• It is no longer necessary to retain your personal information for collection purposes, but you need it for legal claims.

• The data controller is verifying or examining your objection request.

## 8.7 Lodge a complaint with your local data protection authority

Subject to applicable data protection laws, you may have the right to submit your complaint to the local data protection authority where you reside if you consider that the processing of your personal information infringes any applicable data protection laws.

## 9. ADDITIONAL U.S. STATE DISCLOSURES

We collect personal information from and about you in the preceding 12 months as described in Section 1. PERSONAL INFORMATION WE COLLECT above.

We disclose personal information with third parties for business purposes in the preceding 12 months as below:

| Categories of personal information         | Disclosed to which categories of third parties                |
|--------------------------------------------|---------------------------------------------------------------|
| All categories detailed in Section 1 above | Cloud storage services provider and our affiliates            |
| Conversation Interaction Information       | Speech input recognition and text-to-speech service providers |
| Device and Network Data, Usage Data        | Growth analysis Software Development Kit provider             |

To the extent provided for by local law and subject to applicable exceptions, you may have the following rights:

• **Opt-out of marketing communications.** At present, we do not use your personal information for marketing purposes. In the event that we use your personal information for marketing in compliance with legal requirements, you will have the right to opt out of marketing-related emails and other communications by contacting us as provided in the Section “Contact us” below. You may continue to receive Services-related and other non-marketing emails from us.

• **Limit the Use of Sensitive Personal Information.** You also have the right to request limitation of use and disclosure of your sensitive personal information, subject to certain exceptions. If you

would like to limit the use of your sensitive personal information, please contact us by using the contact details provided in the Section “Contact Us” below.

The verification code and password are sensitive personal information under certain State data protection laws. Currently, we use and disclose the verification code to third-party service providers for the purpose necessary to supporting your account registration and login. We do not “sell” or “share” (as defined under applicable State data protection laws) your sensitive personal information.

**Ÿ Do Not Sell or Share My Personal Information.** Based on the definition of “sell” and “share” under applicable State data protection laws, we do not believe that we engage in such activity and have not engaged in such activity in the past 12 months from the effective date of this Policy.

**Ÿ Appeal.** You may appeal our refusal to take action on a request by contacting us using the contact details provided in Section 12 below.

**Ÿ Direct Marketing.** We do not disclose personal information to third parties for their direct marketing purposes.

If you would like to contact us to exercise one or more of these rights, to ask a question about these rights or any other provision of this Policy or about our processing of your personal information, or to file a complaint about how we process your personal information, you may use the contact details provided in the Section “Contact Us” below. According to applicable laws, we may request you to provide documents such as application form and proof of identity. We may contact you to confirm your identity in order to handle your request. We will respond to your request or complaint in due course under the applicable laws.

## **10. USE BY MINORS**

Our Services are not directed towards, and we do not knowingly collect, sell, or share any information about individuals under the age of 18. If you become aware that a child has provided any personal information to us while using our Services, please email us at the contact details provided in the Section “Contact Us” below, and we will investigate the matter and, if appropriate, delete the personal information.

## **11. CHANGES TO THIS PRIVACY POLICY**

The Services and our business may change from time to time. As a result, at times it may be necessary for us to make changes to this Policy. we recommend that you regularly check the latest version of this Policy in the APP and Website. If there are any substantial changes to this Policy, depending on the nature of such changes, we will notify you in advance through pop-ups, push notifications, emails, and other appropriate means.

## **12. CONTACT US**

For more information about your data subject rights, or how we process your personal information, please contact us by using the information below.

Controller: SPARKLING AI PTE. LTD.

Contact Details: [popduck.feedback@gmail.com](mailto:popduck.feedback@gmail.com)