

LOMI WEBSITE PRIVACY POLICY

This is a employee reference version of LOMI's External Facing Privacy Policy which we post on our website so that clients may understand how we use their information.

This Policy, together with Related Policies and Privacy Guidelines, are internal documents and cannot be shared with third parties, clients or regulators without prior authorization from the Privacy Compliance Officer.

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Introduction

Welcome to the Open Mind Developments Corporation's privacy policy.

Open Mind Developments Corporation (dba Lomi) respects your privacy and is committed to protecting your personal data. This privacy policy will inform you as to how we look after your personal data when you visit our website <https://lomi.com> (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

This privacy policy is provided in a layered format so you can click through to the specific areas set out below. Alternatively, you can download a pdf version of the policy here: [\[LINK\]](#). Please also use the Glossary to understand the meaning of some of the terms used in this privacy policy.

Because we offer our services on a global basis we have chosen to use the European Union (GDPR) model, often used as the strictest model for user transparency, as the format for this policy. Consequently, based on the privacy and data protection laws that apply to you based on the location from which you access our services and the fact that you may not necessarily understand the meaning of some of the terms used in this privacy policy, we would like to refer you to our Glossary of terms at the end of this policy to help you make better sense of this document.

1. [IMPORTANT INFORMATION AND WHO WE ARE]

2. [THE DATA WE COLLECT ABOUT YOU]

3. [HOW IS YOUR PERSONAL DATA COLLECTED?]

4. [HOW WE USE YOUR PERSONAL DATA]

5. [DISCLOSURES OF YOUR PERSONAL DATA]

6. [INTERNATIONAL TRANSFERS]

7. [DATA SECURITY]

8. [DATA RETENTION]

9. [YOUR LEGAL RIGHTS]

10. [GLOSSARY]

1. IMPORTANT INFORMATION AND WHO WE ARE

Purpose of this privacy policy

This privacy policy aims to give you information on how the Open Mind Developments Corporation (collectively, “Lomi”, “we”, “us”, “our”, “the company”) collects and processes your personal data through your use of the website <https://lomi.com> (the “Site”), as well as of certain databases and software applications (collectively, with the Site, the “Digital Media”) relating to our internet-connected products (collectively, the “IOT Products”), including any data you may provide when you visit the Site, make a purchase from the Site, or use the Digital Media and/or any IOT Products.

Our Site is not intended for children under 16 years of age. No one under age 16 may provide any information to or on the Site. We do not knowingly collect personal information from children under 16. If you are under 16, do not use or provide any information on this Site or through any of its features, register on the Site, make any purchases through the Site, use any of the interactive or public comment features of this Site, or provide any information about yourself to us, including your name, address, telephone number, email address, or any screen name or user name you may use. If we learn we have collected or received personal information from a child under 16 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 16, please contact us at privacy@pela.earth.

It is important that you read this privacy policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements other notices and privacy policies and is not intended to override them.

Controller

Open Mind Developments Corporation is the controller and responsible for your personal data (“Lomi”, “we”, “us” or “our”, or “the company” in this privacy policy).

We have appointed a Privacy Compliance Officer who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise **[your legal rights]**, please contact the Privacy Compliance Officer using the details set out below.

Contact details

If you have any questions about this privacy policy or our privacy practices, please contact our Privacy Compliance Officer in the following ways:

Open Mind Developments Corporation

Attention: Privacy Compliance Officer

privacy@pela.earth

#604, 460 Doyle Avenue, Kelowna, BC V1Y 0C2

If you are based in the UK or the European Union, please note that you have the right to make a complaint at any time to your national regulator for data protection issues. We would, however, appreciate the chance to deal with your concerns before you approach the regulator so please contact us in the first instance.

Changes to the privacy policy and your duty to inform us of changes

We keep our privacy policy under regular review. This version was last updated on **[DATE]**.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Third-party links

This Site may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our Site, we encourage you to read the privacy policy of every website you visit.

2. THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). In some States of the United States, personal information also extends to information on households and devices.

We may collect, use, store & transfer different kinds of personal data about you grouped together as follows:

- **Identity Data** includes first name, last name, and username or similar identifier.
- **Contact Data** includes billing address, shipping address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.
- **Order Data** includes details about payments to and from you and other details of products and services you have purchased from us.
- **Device Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access the Site.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our Site, the Digital Media and/or any IOT Products.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- **Employment Data** includes your employment history and any other information you provide when you apply to one of our available positions.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. For example, we may aggregate Usage Data to calculate the percentage of users accessing a website feature. However, if we combine or connect Aggregated Data with your personal data so that it directly or indirectly identifies you, we treat the combined data as personal data in accordance with this privacy policy.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have

or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

Direct interactions.

You may give us your Identity, Contact, Financial, and Employment Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:

- Purchase one of our products or services;
- create an account on our Site;
- subscribe to our services or publications;
- request marketing to be sent to you;
- enter a competition, promotion or survey;
- apply to one of our available positions; or
- give us feedback or contact us.

Automated technologies or interactions.

As you interact with our Site, our Digital Media, or any IOT Products, we will automatically collect Device Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. <!-- Please see our cookie policy [\[LINK\]](#) for further details.-->

We may also use these technologies to collect information about your online activities over time and across third-party websites or other online services (behavioral tracking). To learn more or to opt-out of tailored advertising please contact us at privacy@pela.earth.

Third parties or publicly available sources.

We will receive personal data about you from various third parties [and public sources] as set out below:

- Device Data from the following parties:
 - (i) analytics providers such as Google based outside the UK or EU;
 - (ii) advertising networks such as Meta, Instagram based [inside **OR** outside] the UK or EU; and
 - (iii) search information providers such as Google based [inside **OR** outside] the UK or EU.
- Contact, Financial and Transaction Data from providers of technical, payment and delivery services such as Shopify, Stripe and Appstle based [inside **OR** outside] the UK or EU.

- Identity and Contact Data from data brokers or aggregators such as Certn, Predictive Index based [inside **OR** outside] the UK or EU.

4. HOW WE USE YOUR PERSONAL DATA

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal obligation.

Click here [[LINK TO GLOSSARY, LAWFUL BASIS](#)] to find out more about the types of lawful basis that we will rely on to process your personal data.

Generally, we do not rely on consent as a legal basis for processing your personal data although we will get your consent before sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and, if you are based in the UK or the EU, which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new customer	Identity Contact	Performance of a contract with you
To process and deliver your order including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	Identity Contact Order Financial Transaction Marketing and Communications	Performance of a contract with you Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include notifying you about changes to our terms or privacy policy	Identity Contact Profile Marketing and Communications	Performance of a contract with you (to notify you about changes to our terms of sale) Necessary to comply with a legal obligation (to notify you about changes to our privacy policy)

To enable you to partake in a prize draw, competition or complete a survey	Identity Contact Profile Usage Marketing and Communications	Performance of a contract with you
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	Identity Contact Device	Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganization or group restructuring exercise)
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	Identity Contact Profile Usage Marketing and Communications Device	Necessary for our legitimate interests (to study how customers use our products, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, products/services, marketing, customer relationships and experiences	Device Usage	Necessary for our legitimate interests (to define types of customers for our products, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about goods or services that may be of interest to you	Identity Contact Device Usage Profile Marketing and Communications	Necessary for our legitimate interests (to develop our products and grow our business)
To review and process any application you make for any of our available positions	Identity Contact Employment	Performance of a contract with you

Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We have established the following personal data control mechanisms.

Promotional offers from us

We may use your Identity, Contact, Order, Device, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you.

You will receive marketing communications from us if you have requested information from us or purchased goods or services from us and you have not opted out of receiving that marketing.

Third-party marketing

We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.

Opting out

You can ask us or third parties to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you **or** by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a product/service purchase, warranty registration, product/service experience or other transactions.

Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. <!-- For more information about the cookies we use, please see [[LINK TO YOUR COOKIE POLICY](#)]. -->

Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. DISCLOSURES OF YOUR PERSONAL DATA

We may share your personal data with the parties set out below for the purposes set out in the table *[Purposes for which we will use your personal data]* above.

- Internal Third Parties as set out in the *[Glossary]*.
- External Third Parties as set out in the *[Glossary]*.

Third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

6. INTERNATIONAL TRANSFERS

We share your personal data within the Open Mind Development Group.

UK and EU Residents

If you are based in the UK or the EU this will involve transferring your data outside the UK and/or European Economic Area (EEA) (as applicable).

In addition, many of our external third parties are based outside the UK and the EEA so their processing of your personal data will also involve a transfer of data outside the UK and EEA.

Whenever we transfer UK and/or EU personal data out of the UK or EEA (as applicable), we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission or the UK Government (as applicable). For further details on adequacy findings by the European Commission, see [European Commission: Adequacy of the protection of personal data in non-EU countries](#). For further details on adequacy findings by the UK Government, see [UK Adequacy](#).
- Where we use certain service providers, we may use specific contracts approved by the European Commission or the UK Government (as applicable) which give personal data the same protection it has in Europe and/or the UK. For further details, see [European Commission: Model contracts for the transfer of personal data to third countries](#) and [UK International data transfer agreement and guidance](#).

Canadian Residents

Please note that we may process, store, and transfer your personal information in and to the United States, with different privacy laws that may or may not be as comprehensive as Canadian law. In these circumstances, the governments, courts, law enforcement, or regulatory agencies of the United States may be able to obtain access to your personal information through the laws of the United States. Whenever we engage a service provider, we require that its privacy and security standards adhere to this policy and applicable Canadian privacy legislation.

By submitting your personal information or engaging with the Site, you consent to this transfer, storage, or processing.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of Canada, the UK or EEA.

7. DATA SECURITY

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Site, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our Site. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Site.

8. DATA RETENTION

How long will you use my personal data for?

We will only retain your personal data for as long as reasonably necessary to fulfill the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

In some circumstances, you can ask us to delete your data: see [*your legal rights*] below for further information.

In some circumstances, we will anonymize your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data, including:

- [*Request access to your personal data*].
- [*Request correction of your personal data*].
- [*Request erasure of your personal data*].
- [*Object to processing of your personal data*].
- [*Request restriction of processing your personal data*].
- [*Request transfer of your personal data*].
- [*Right to withdraw consent*].

If you wish to exercise any of the rights set out above, or to appeal any adverse decisions made by us regarding the processing of your Personal Data, please contact us by sending an email to privacy@pela.earth.

No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

Your California Privacy Rights

If you are a California resident, California law may provide you with additional rights regarding our use of your personal information. To learn more about your California privacy rights, visit [\[HYPERLINK TO CCPA PRIVACY NOTICE FOR CALIFORNIA RESIDENTS\]](#).

Your Nevada Privacy Rights

Nevada residents who wish to exercise their sale opt-out rights under Nevada Revised Statutes Chapter 603A may submit a request to this designated address: privacy@pela.earth. However, please know we do not currently sell data triggering that statute's opt-out requirements.

Your Virginia Privacy Rights

Virginia residents who wish to exercise their right under the Virginia Consumer Data Protection Act (VCDPA) to opt out of the processing of their personal data for targeted advertising, personal data sales, or automated decision-making, including profiling, may submit a request to this designated address: privacy@pela.earth. However, please know we do not currently sell personal data triggering that statute's opt-out requirements.

10. GLOSSARY

LAWFUL BASIS

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a legal obligation means processing your personal data where it is necessary for compliance with a legal obligation that we are subject to.

THIRD PARTIES

Internal Third Parties: Pela Case Corporation (dba Pela) acting as joint controller and which is based in British Columbia and shares legal, HR, finance, IT and system administration services and undertakes leadership reporting.

External Third Parties

- The following service providers based in the following countries and who provide the following services:
 - Stripe, acting as processor, based in the United States who provide payment processing and analytics services
 - Shopify, acting as processor, based in Canada who power the online store we use to sell our products
 - Google Analytics, acting as processor, based in the United States who provide data analytics services
 - Netsuite, acting as processor, based in the United States who provide ERP services
 - Klayvio, acting as processor, based in the United States who provide marketing automation and rewards program services
 - GMASS, acting as processors, based in the United States who provide email management services
 - Loop, acting as processors, based in the United States who provide returns management applications
 - ZenDesk, acting as processors, based in the United States who provide customer relationship management and support applications

- ShipHero, acting as processors, based in the United States who provide 3PL and fulfilment services
- NRI, acting as processors, based in the United States who provide 3PL and fulfilment services
- Google Big Query, acting as processors, based in the United States who provide data warehousing services
- Affirm, acting as processors, based in the United States who provide consumer financing services
- Appstle, acting as processors, based in the United States who provide subscription management services
- Faire Wholesale, acting as processors, based in the United States who provide an online wholesale marketplace for retailers and brands
- Danby Appliances, acting as processors, based in Canada and the United States who provide reverse logistics and product returns, repair and warranty services
- KNO Commerce, acting as processors, based in the United States who provide post purchase customer survey services
- Kallidus, acting as processors, based in the United States who provide Human Resources Information Systems (HRIS) applications
- The Predictive Index, acting as processors, based in the United States who provide Behavioral and Cognitive Assessment applications
- Simply Benefits, acting as processors, based in Canada is a Third Party Payor (TTP) that provides Employee Health Benefit services
- Wealth Simple, acting as processors, based in Canada is an online investment management services company
- Greenhouse acting as processors, based in the United States who process job applications for us when you apply to one of our available positions
- RISE acting as processors, based in Canada who provide payroll processing services
- Amazon and Google, acting as processors, based in the United States who provide data hosting services
- Professional advisers acting as controllers including lawyers, bankers, auditors and insurers based in Canada and the United States who provide consultancy, banking, legal, insurance and accounting services.
- Regulators and other authorities acting as controllers based in Canada who require reporting of processing activities in certain circumstances.

YOUR LEGAL RIGHTS

You have the right to:

Request access to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

Request correction of personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:

- o If you want us to establish the data's accuracy.
- o Where our use of the data is unlawful but you do not want us to erase it.
- o Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
- o You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.