

PRIVACY NOTICE

Welcome to ImagenAI, an automated smart editing Software (the “**Software**” Or “**Service**”). The Service is owned and operated by ImagenAI (“**ImagenAI**” or “**We**”). This Privacy Notice explains our privacy practices in relation to your information when you use our Service.

We are committed to protecting and respecting your privacy and any information that you may provide us. Please read this Privacy Notice carefully before using the Service and review it periodically for any updates.

PERSONAL DATA WE PROCESS

Upon registration to the Service we collect your full name and contact details

When you register to the Service, we collect your full name, email address, phone number, address and payment information (“**Registration Information**”).

We collect and process your photos and Editing Style preferences (together referred as "Content") when you upload your photos to the Software.

When you send us your edited photos, we log the data at our servers. We will collect data regarding your editing preferences (“**Editing Style**”), the number of photos you upload and the number of events you manage, in order to teach our algorithm your Editing Style and in order to provide you the Service. We refer to this entire data as “**Software Learning Information**”.

You do not have a legal obligation to provide us with your Registration Information or Software Learning Information; however, if you choose not to share this information with us we will not be able to provide you the Service.

We also collect analytics information about your use of the Service.

When you use the Service, we record and collect certain information about your interaction with the Software, including the IP address from which you access the Software, time and date of access, type of operating system used, geo location and actions taken while using the Software. We refer to this entire data as “**Analytics Information**”.

HOW WE PROCESS AND USE YOUR PERSONAL DATA

We process your data for the following purposes

To operate the Service.

We will use your Registration Information to facilitate your access to and use of the Service, and to operate the Service.

To send you administrative communications.

We process your Contact Information to send you communications and administrative emails, to manage the provision of the Service to you and to provide you with further information and updates about our products and technology.

To provide and maintain the Software.

We will use your Software Learning Information to provide, maintain and improve yours and others' user experience when using the Software; to provide, maintain and improve our Software, quality of Service and other services we are offering.

We might use our Algorithm results for marketing purposes

We might use our algorithm results and performances for marketing purposes but only with your prior consent. Your Editing Style will not

subject to your prior consent.

be offered to other users and/or third parties without your prior consent.

We will use your Analytics Information for enhancing and developing the Software.

We will use the Analytics Information for quality assurance and for development and enhancement of the Software. We also use the Analytics Information to adapt the Software, its content, and our services to users' preferences. Finally, we will use the Analytics Information to track your progress when using the Software, prevent fraud, resolve disputes, troubleshoot problems, assist with any investigations, enforce the Terms of Use, establishing your use of the Software, and take other actions otherwise permitted by law.

WHEN IS YOUR PERSONAL DATA SHARED WITH OTHERS

We will not share your information with third parties, except in the events listed below or when you provide us your explicit and informed consent.

We will share your information with our service providers helping us operate the Service.

We will share your personal information with our service providers who assist us with the internal operations of the Service such as backup and storage services like [AWS](#) and [Google Cloud](#). These companies are authorized to use your personal information in this context only as necessary to provide these services to us and not for their own promotional purposes.

We will share your information with competent authorities, if you abuse your right to use the Software, or violate any applicable law.

If you have abused your rights to use the Software, or violated any applicable law, we may share your information with competent authorities and with third parties (such as legal counsels and advisors), for the purpose of handling of the violation or breach.

We will share your information if we are legally required.

If we are required to disclose your information by a judicial, governmental or regulatory authority.

We will share your information with third parties in any event of change in our structure.

If the operation of the Service is organized within a different framework, or through another legal structure or entity (such as due to a merger or acquisition), we will share your information only as required to enable the structural change in the operation of the Service.

SECURITY AND DATA RETENTION

We will retain your Registration Information for as long as we need it for the provision of the Service, and thereafter for compliance and legal purposes.

We will retain your Registration Information and Software Learning Information for the duration needed to support our ordinary business activities operating the Software and providing you the Service. Thereafter, we will still retain your personal information as necessary to comply with our legal obligations, resolve disputes, establish and defend legal claims and enforce our agreements.

We will store your Content as long as you will not request its deletion.

As part of our Service given to you, we will store your Content for as long as your subscription runs and as long as you will not request to delete your Content from the Software.

Nevertheless, we highly recommend that you backup your Content by yourself as ImagenAI take no obligations to backup your Content

whatsoever. It is not guaranteed, and you cannot expect that the Software will be immune from errors. ImagenAI will not be liable for any loss or damages resulting from unintentional deletion of Content.

We implement measures to secure your Information

We implement measures to reduce the risks of damage, loss of information and unauthorized access or use of information. However, these measures do not provide absolute information security. Therefore, although efforts are made to secure your personal information, it is not guaranteed, and you cannot expect that the Software will be immune from information security risks.

INTERNATIONAL DATA TRANSFERS

We will internationally transfer your Information only in accordance with applicable data protection laws.

If we transfer your personal data for processing at locations outside your jurisdiction, we will abide by data transfer rules applicable to these situations.

ADDITIONAL INFORMATION FOR INDIVIDUALS IN THE EU

ImagenAI is the data controller of the personal data we collect via the Software.

The following is the data controller for the purposes of the personal data we collect via the Software:

Yotam Gil, ImagenAI

Feierberg 16, Tel Aviv

Contact details of our European representative.

Our European representative, for the purposes of this Policy, will be appointed when necessary under applicable law and according to the GDPR. In the meantime, please contact the data controllers, our representatives in Israel as mentioned above, in : support@imagen-ai.com.

Legal basis under EU law for processing your personal data.

The legal basis under EU law for processing your Registration Information is the performance of our Terms of Use contract with you and our legitimate interest in the operation of the Service.

The legal basis under EU law for processing your Software Learning Information is the performance of our Terms of Use contract with you.

The legal basis under EU law for processing your Analytics Information is our legitimate interest in providing, maintaining, developing and enhancing the Software.

The legal basis under EU law for processing your data for the purpose of handling instances of abusive use of the Service is our legitimate interest in defending and enforcing against violations and breaches that are harmful to our business.

The legal basis under EU law for processing your data where we are legally required to share it, is our legitimate interest in complying with mandatory legal requirements imposed on us.

The legal basis under EU law for processing your data in the event of a change in our corporate structure is our legitimate interest in our business continuity.

You have certain rights to access, update or delete your information, obtain a copy of your information, withdraw your consent and object or restrict certain data processing activities.

If you are in the EU, you have the following rights under the GDPR:

Right to Access your personal data that we process and receive a copy of it.

Right to Rectify inaccurate personal data we have concerning you and to have incomplete personal data completed.

Right to Data Portability, that is, to receive the personal data that you provided to us, in a structured, commonly used and machine-readable format. You have the right to transmit this data to another service provider. Where technically feasible, you have the right that your personal data be transmitted directly from us to the service provider you designate.

Right to Object, based on your particular situation, to using your personal data on the basis of our legitimate interest. However, we may override the objection if we demonstrate compelling legitimate grounds, or for the establishment, exercise of defense of legal claims.

Right to Restrict the processing your personal data (except for storing it) if you contest the accuracy of your personal data, for a period enabling us to verify its accuracy; if you believe that the processing is unlawful and you oppose the erasure of the personal data and request instead to restrict its use; if we no longer need the personal data for the purposes outlined in this Policy, but you require them to establish, exercise or defense relating to legal claims, or if you object to processing, pending the verification whether our legitimate grounds for processing override yours.

Right to be Forgotten. Under certain circumstances, such as when you object to us processing your data and we have no compelling legitimate grounds to override your objection, you have the right to ask us to erase your personal data. However, we may still process your personal data if it is necessary to comply with a legal obligation that we are subject to under laws in EU Member States or for the establishment, exercise or defense of legal claims.

If you wish to exercise any of these rights, contact us at support@imagen-ai.com

We reserve the right to ask for reasonable evidence to verify your identity before we provide you with information. Where we are not able to provide you with information that you have asked for, we will explain the reason for this.

Cross-border transfers

Information we collect from you will generally be processed within the EU and in Israel which is recognized by the European Commission as having adequate protection for personal data.

If we transfer your information from the EU to other jurisdictions outside the EU, we will do so using adequate safeguards determined by the EU Commission, such as Privacy-Shield certified companies in the United States.

You have a right to submit a complaint to the relevant supervisory data protection authority.

Subject to applicable law, you have the right to lodge a complaint with your local data protection authority. If you are in the EU, then according to Article 77 of the GDPR, you can lodge a complaint to the supervisory authority, in particular in the Member State of your

residence, place of work or place of alleged infringement of the GDPR. For a list of supervisory authorities in the EU, click [here](#).

MINORS

The Service is not directed to individuals under 18. The Service is not directed to users under the age of 18. We do not knowingly collect information or data from children under the age of 18 or knowingly allow children under the age of 18 to use the Service.

CHANGES TO THIS PRIVACY NOTICE

If we change this Notice, we will make efforts to proactively notify you of such changes. From time to time, we may change this Notice. If we do so, we will make efforts to proactively notify you of such changes by email. In any event, the latest version of the Notice will always be accessible at imagen-ai.com.

Last Update: April 24th, 2022.