

Privacy Notice

1. WHO WE ARE

Non Fungible Gaskets Ltd (“we”/ “us”) is a limited company registered in England and Wales with company number 13751821 and having its registered office at 35 Ballards Lane, London, N3 1XW, United Kingdom. By accessing the website at <https://thekiss.xyz> (the “Site”), you acknowledge and consent to the information processing and use practices by us in our capacity as data controller as described below. Please read this Privacy Notice carefully and contact us if you have questions or concerns via email at info@divergencetech.xyz

2. PERSONAL DATA

Personal data means data relating to natural persons who can be identified or who are identifiable, directly from the data in question or who can be indirectly identified from that data in combination with other data (“**Personal Data**”).

We may process data relating to the transaction such as your wallet address, date of purchase, payment method and in some cases, information about your purchases and other public blockchain data (“**Transaction Data**”). Please note that blockchain data is not truly anonymous, as we may be able to identify you from a blockchain transaction because, in some circumstances, Personal Data published on a blockchain (such as your wallet address and/or IP address) can be correlated with other Personal Data that we and others may have.

In addition, we may process Personal Data that you may include in correspondence with us, when you email us or contact us via Discord or Twitter, for example identity details (name, username, similar identifier) (“**Identity Data**”) or your contact details such as your address, email address and telephone numbers (“**Contact Data**”), and any other Personal Data that you provide in your correspondence.

We may also process your Personal Data relating to page views and visit data such as IP address, device type, operating system, and browser type through Google Analytics (“**Technical Data**”).

Most of the Personal Data we process is provided directly by you or made available when you access or use the Site. We set out below some examples of how you may provide Personal Data to us:

- Where you connect your wallet to our Site;
- Submitting information by sending enquiries; and/or
- in the form of information provided by your web browser, when you search and browse the Site for content (through the use of cookies or similar software).

3. PURPOSE

We may use your Personal Data for the following purposes and reasons:

- **Contract:** We may process your Transaction Data that you provide when you connect your wallet to facilitate a potential purchase an NFT and to satisfy eligibility criteria in relation to ‘advance’ minting (if applicable). We process this Personal Data to enable us to carry out the contractual relationship between you and us.
- **Legitimate Interests:** We may process additional Personal Data, such as Identity Data and Contact Data, that you submit to us (for example, exercising your data protection rights, requests for customer support and technical assistance) and Technical Data that we automatically collect using cookies. Where we rely on our legitimate business interests to process these categories of Personal Data about you, we will balance our legitimate interests against your interests and rights (for example, responding to enquiries, improving the Site, and enabling network and information security).
- **Legal Obligation:** We may process your Personal Data to comply with our legal obligations, including your Technical Data (particularly your IP address) to avoid transacting with sanctioned individuals or countries, or to make disclosures to government, regulatory or other public bodies where in our reasonable opinion the disclosure is appropriate and permitted by law.

We may also collect Personal Data to perform other functions that are not listed above, which will either be described to you when the Personal Data is collected or it may be collected if you have granted your consent for a particular purpose.

4. THIRD-PARTY SERVICES

The third-party platforms currently used include those set out below, but may change from time to time:

- **Netlify Inc (“Netlify”):** A cloud computing company that offers hosting and serverless backend services for web applications and websites. We use Netlify to host the Site. Please read Netlify’s privacy notice [here](#) to understand how they process your Technical Data.

- **Wallet Extensions:** For conducting cryptocurrency transactions we use third-party electronic wallet extensions such as (but not limited to) MetaMask; your interactions with MetaMask and/or any third-party electronic wallet extensions are governed by the applicable privacy notices. In the case of MetaMask, its privacy notice is available [here](#). For users not connecting a wallet, cloud-based node service providers like Infura and Alchemy read from the blockchain through their APIs.
- **Etherscan:** Etherscan is a block explorer service which allows users to explore and search the Ethereum blockchain for transactions, addresses, tokens, prices, and other Ethereum activities. It publicly records the data on the blockchain, such as Transaction Data, including your wallet address, along with the wallet balance, transactions made by that wallet address, internal TXNs, loans, analytics and any comments left on the wallet address. In addition, Etherscan also processes Technical Data such as IP addresses for API and login. Our Site links to Etherscan which sets out contract source code (in Solidity Standard Json-Input format) and the transactions. Its privacy notice is available [here](#).
- **Google Analytics:** A web analytics service that provides statistics and basic analytical tools to track and report website traffic for marketing and search engine optimisation purposes. We use Google Analytics to keep track of how the Site is performing. Please read Google Analytics' privacy notice [here](#) to understand how they process your Personal Data, particularly your Technical Data.

We are not responsible for their privacy practices and you are encouraged to read their privacy notices.

We will not share your Personal Data with third parties other than as necessary for the purposes outlined above and only with third party service providers that provide business, professional or technical support functions on our behalf or as required by law.

5. INTERNATIONAL TRANSFERS

Your Personal Data may be transferred outside the UK. For example, this may be in relation to where we are sharing information with our third party service providers who operate outside the UK. Where third parties process your Personal Data outside the UK, you are advised to read their privacy notice as set out above.

6. STORAGE AND RETENTION

We are strongly committed to protecting your Personal Data and we take reasonable and appropriate steps to protect your Personal Data from unauthorised access, loss, misuse, alteration or corruption.

We do not collect your wallet address, which instead will be recorded on the blockchain. However, we take reasonable steps to ensure that the Personal Data we hold about you (namely any Personal Data you provide via enquiries by email or social media) is as accurate and complete as is necessary to carry out the relevant purposes described in this Privacy Notice and we will retain your Personal Data for so long as is reasonably necessary for us to fulfil the relevant purposes described in this Privacy Notice, unless a longer retention period is required or permitted by law (for example for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements or in the event of a complaint or where there is a prospect of litigation). We will then securely dispose of your Personal Data that we hold by permanently deleting it and any back-up files. Personal Data shared with third party service providers is stored and deleted according to their privacy notices.

Please be aware that no electronic transmission or storage of Personal Data can be guaranteed to be 100% secure. We cannot and do not warrant the security of any Personal Data that you transmit, and all such transmissions are done at your own risk.

7. COOKIES

Like most websites, we use "cookies" to track your use of the Site. A cookie is a small file of letters and numbers that is stored on your browser or the memory of your computer or device. Cookies mean that a website will remember you and enable online transactions and help us understand how you use the Site. For more information on the cookies that we use on the Site, please see our Cookie Policy which is available on our Site.

8. YOUR RIGHTS

Under the Data Protection Act 2018, you have rights including:

- **Right of Access:** To ask for copies of your Personal Data.
- **Right to Rectification:** To ask to rectify inaccurate/incomplete Personal Data.
- **Right to Erasure:** To ask for your Personal Data to be erased in certain circumstances.
- **Right to Restriction of Processing:** To ask to restrict the processing of your Personal Data in certain circumstances.
- **Right to Object to Processing:** To object to the processing of your Personal Data in certain circumstances.
- **Right to Data Portability:** To ask that your Personal Data be transferred to another organisation, or to you, in certain circumstances.

For more information or to exercise your data protection rights regarding our processing, please contact us by email at info@divergencetech.xyz. We will try to respond to all legitimate requests within one month.

If you are unhappy with any aspect of how we handle your Personal Data you can make a complaint to the Information Commissioner's Office (ICO) [here](#).

9. CHANGES TO THE PRIVACY NOTICE

This Privacy Notice may be updated from time to time. All amendments will take effect immediately upon posting of the updated Privacy Notice on this Site. If the changes are material, we will post a notice on the Site before the changes go into effect. We encourage you to periodically review this Privacy Notice to stay informed about how we are helping to protect your Personal Data.

This version of the Privacy Notice was last updated on 10 February 2022.