

Terms and Conditions of Use

Please read these Terms and Conditions of Use ("Terms") carefully before using this mobile application ("KICK IT," "Application," or "App"). By using this App, you agree to these Terms. Only use this Application if you agree to these Terms. If you do not agree to these Terms, you must immediately cease using the App. The Regents of the University of California (referred to as the "University," "UCOP," "we," "us," or "our" herein) owns and operates this Application. We reserve the right, at our discretion, to change or revise these Terms at any time. Please check these Terms from time to time for changes. Using this Application with the changes to these Terms will indicate your acceptance of the revised Terms.

Restrictions

By continuing to use the App, you agree not to use the App in any unlawful manner, for any unlawful or criminal purpose, or in any manner inconsistent with these Terms. You also acknowledge that all intellectual property rights in and to the App belong to the University.

Health Information

All health and health-related information in the App is for general use only. Do not rely on the information in the App for your health care needs. Contact a licensed health care provider to discuss your medical condition and treatment.

App content is provided without warranty for quality or accuracy. KICK IT; The Regents of the University of California; the University of California, San Diego; the University of California, San Diego Health System; and any other contributing author are not responsible for errors or omissions in App content or any results from the use of App content.

Third Party Content

The App may include links to non-University websites or applications ("Third Party Sites"). This does not represent endorsement by the University or its affiliates. Third Party Sites are not under our control, and you acknowledge that we are not responsible for and do not endorse or monitor their content or privacy policies.

The App may also reference non-University products, services, or organizations. This does not represent endorsement by the University or its affiliates.

What information does this App obtain and how is it used?

We respect your privacy and are committed to protecting it through our compliance with this policy. Our goal is to provide you with personalized help to quit vaping. This includes information, resources, and services that we think will be helpful to you. To achieve this goal, we collect information from and about users of the App.

I. WHAT IS PERSONAL INFORMATION?

When we use the term "**personal information**" in this Privacy Notice, we mean any data or information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular natural person or household or any other data or information that

constitutes “personal data”, “personal information,” or “personally identifiable information.” As noted above, it does not include protected health information under HIPAA.

II. OUR COLLECTION AND USE OF PERSONAL INFORMATION

We collect personal information in a variety of ways. For example, you may provide us your personal information when you contact us or send us messages, conduct a search on our Sites, subscribe to our mailing lists, newsletters or other forms of marketing communications, submit a job application, participate in a survey, make a purchase at our gift shop, or use some other feature of our Service.

We may link or combine your activities and information collected from you on our websites and mobile apps with information we receive from third parties, as well as information we collect automatically through tracking technologies (defined below). This allows us to provide you with a personalized experience regardless of how you interact with us.

a. Personal Information Collected from You

We may collect the following categories of personal information submitted to us by individuals through the Services:

- **Contact Information**, including first and last name, email address, your country or region and communication preferences. We use this information to fulfill your request, to communicate with you directly, and to send you marketing communications in accordance with your preferences.
- **Inquiry and Communications Information**, including information provided in custom messages sent through the forms, in chat messages, to one of our email addresses, or via phone. We use this information to investigate and respond to your inquiries, and to communicate with you, to enhance the Services we offer to our users and to manage and grow our organization.
- **Survey Information**, including information provided when you provide information included in any questions submitted through surveys or content of any testimonials. We use this information to administer and facilitate the Services, to respond to your submission, to communicate with you, to conduct market research, inform our marketing and advertising activities and improve and grow our business.
- **Feedback Information**. We may collect feedback you provide relating to our Services. We use this information to communicate with you, to conduct market research, inform our marketing and advertising activities and improve and grow our business.

b. Personal Information Automatically Collected

As is true of many digital properties, we and our third-party partners may automatically collect certain information from or in connection with your device when visiting or interacting with our Services, such as the list below and in the sub-sections here:

- **Log Data**, including internet protocol (IP) address, operating system, device type and version, browser type and version, browser id, the URL entered and the referring page/campaign, date/time of visit, other user agent string data, the time spent on our Services, and any errors that may occur during the visit to our Services). Log data may overlap with the other categories of data below.
- **Analytics data**, Including the electronic path you take to our services, through our services and when exiting our services, UTM source, as well as your usage and activity on our services, such as

the time zone, activity information (first and last active date and time), usage history (flows created, campaigns scheduled, emails opened, total log-ins) as well as the pages, links, objects, services you view, click or otherwise interact with.

- **Location data**, such as general location information we derive from your IP address.

We and our third-party providers may use (i) cookies or small data files that are stored on an individual's computer and (ii) other, related technologies, such as web beacons, pixels, embedded scripts, location-identifying technologies and logging technologies (collectively, "cookies") to automatically collect this personal information. We may also use this information to distinguish you from other users of our Services. This helps us monitor and analyze how you use and interact with our Services. It also helps us and our partners to determine products and services that may be of interest to you.

For more information about these practices and your choices regarding cookies, please see the **Cookie Notice**.

c. **Personal Information from Third Parties**

We also obtain personal information from third parties; which we often combine with personal information we collect either automatically or directly from an individual.

We may receive the same categories of personal information as described above from the following third parties:

- **Within UC San Diego Health:** We may receive personal information from other hospitals or primary care networks that are part of UC San Diego Health and the UC San Diego Health Affiliated Network.
- **Social Media:** When an individual interacts with our Services through various social media networks, such as when someone "Likes" us on Facebook or follows us, comments, or shares our content on Facebook, Twitter, or other social networks, we may receive some information about individuals that they permit the social network to share with third parties. The data we receive is dependent upon an individual's privacy settings with the social network and may include certain profile information. We use this information to operate, maintain, and provide to you the features and functionality of the Service, as well as to communicate directly with you, such as to send you email messages about products and services that may be of interest to you.
- **Service Providers:** Our service providers that perform services solely on our behalf, such as survey and marketing providers and payment processors, collect personal information and often share some or all of this information with us. The information may include contact information, demographic information, transaction information, and information about your communications and related activities. We may use this information to administer and facilitate our Services and our marketing activities.
- **Community Partners:** We may receive your personal information, such as name and email address, from our community partners through which we may offer events, programs, or services that contribute to improving the lives and livelihoods of our communities.
- **Other Sources:** We may also collect Personal Information about individuals that we do not otherwise have from, for example, publicly available sources, third-party data providers, or through transactions such as mergers and acquisitions. We use this information to operate, maintain, and provide to you the features and functionality of the Service, as well as to

communicate directly with you, such as to send you email messages about products and services that may be of interest to you.

Through the provision of our Services, we may also process anonymous and otherwise deidentified information that cannot reasonably be used to infer information about, or otherwise be linked to, a particular consumer or household. UC San Diego Health commits to maintain and use the information in deidentified form and will not attempt to reidentify the information, except in instances where necessary for determining whether the deidentification process used by UC San Diego Health satisfies the requirements under applicable law.

d. Additional Uses of Personal Information

We may use personal information we collect to:

- Fulfill or meet the reason the information was provided, such as to fulfill our contractual obligations, to deliver the Services you have requested and to process transactions;
- Manage our organization and its day-to-day operations;
- Register you for and provide you access to events and conferences;
- Communicate with individuals, including via email, social media and/or telephone calls;
- Request individuals to complete surveys about our organization, organizations we partner with, and Services;
- For marketing and advertising purposes, including to market to you or offer you through email or direct mail, information and updates on products or services we think that you may be interested in (where applicable, we may send you marketing messages if you have given us your consent to do so);
- Administer, improve and personalize our Services, including by recognizing an individual and remembering their information when they return to our Services;
- Identify and analyze how individuals use our Services, and to improve and customize our Services to address the needs and interests of our user base and other individuals we interact with;
- Test, enhance, update and monitor the Services, or diagnose or fix technology problems;
- Help maintain the safety, security and integrity of our property and Services, technology assets and business;
- To enforce our **Terms of Use**, to resolve disputes, to carry out our obligations and enforce our rights, and to protect our business interests and the interests and rights of third parties;
- To fulfill any other purpose for which you provide personal information and or any other lawful purpose, or other purpose that you consent to.

Where you choose to contact us, we may need additional information to fulfill the request or respond to inquiries. We may provide you with additional privacy-related information where the scope of the inquiry/request and/or personal information we require fall outside the scope of this Privacy Notice. In that case, the additional privacy notice will govern how we may process the information provided at that time.

III. Our Disclosure of Personal Information

We may also share, transmit, disclose, grant access to, make available, and provide personal information with and to third parties, as follows:

- **Within UC San Diego Health:** We may share personal information with other hospitals or primary care networks that are part of the UC San Diego Health.
- **Marketing Providers:** We coordinate and share personal information with our marketing providers in order to communicate with individuals about the Services we make available.
- **Customer Service and Communication Providers:** We share personal information with third parties who assist us in providing our customer services and facilitating our communications with individuals that submit inquiries.
- **Other Service Providers:** In addition to the third parties identified above, we engage other third-party service providers that perform business or operational services for us or on our behalf, such as website hosting, infrastructure provisioning, IT services, analytics services, employment application-related services, payment processing services, and administrative services.
- **Survey Providers:** We share personal information with third parties who assist us in delivering our surveys and processing the responses.
- **Online Advertising Partners:** We may also share personal information with advertising networks or permit these partners to collect information from you directly on our websites to facilitate online advertising, such as search engines and social network advertising providers to serve targeted ads to you or to groups of other users who share similar traits, such as likely commercial interests and demographics, on third-party platforms. For more information, including how to opt out of interest-based advertising, please see the **Cookie Notice**.
- **Business Transaction or Reorganization:** We may take part in or be involved with a corporate business transaction, such as a merger, acquisition, joint venture, or financing or sale of assets. We may disclose personal information to a third party during negotiation of, in connection with or as an asset in such a corporate business transaction. Personal information may also be disclosed in the event of insolvency, bankruptcy or receivership.
- **Legal Obligations and Rights:** We may disclose personal information to third parties, such as legal advisors and law enforcement:
 - in connection with the establishment, exercise, or defense of legal claims;
 - to comply with laws or to respond to lawful requests and legal process;
 - to protect our rights and property and the rights and property of others, including to enforce our agreements and policies;
 - to detect, suppress, or prevent fraud;
 - to protect the health and safety of us and others; or
 - as otherwise required by applicable law.
- **With Your Consent:** We may disclose personal information about an individual to certain other third parties or publicly with their consent or direction. For example, with an individual's consent or direction we may post their testimonial on our Sites or service-related publications.

IV. Control Over Your Information

You may control your information in the following ways:

- **Email Communications Preferences.** You can stop receiving promotional email communications from us by clicking on the “unsubscribe” link provided in such communications. You may not opt-out of service-related communications (e.g., account verification, transactional communications, changes/updates to features of the Services, technical and security notices).

Modifying or Deleting Your Information. If you have any questions about reviewing, modifying, or deleting your information, you can contact us directly at cshoutreach@ucsd.edu. We may not be able to modify or delete your information in all circumstances.

V. Children’s Personal Information

Our Services are not directed to, and we do not intend to, or knowingly, collect or solicit personal information from children under the age of 13. If an individual is under the age of 13, they should not use our Services or otherwise provide us with any personal information either directly or by other means. If a child under the age of 13 has provided personal information to us, we encourage the child’s parent or guardian to contact us to request that we remove the personal information from our systems. If we learn that any personal information we collect has been provided by a child under the age of 16, we will promptly delete that personal information.

VI. What are my opt-out rights?

To stop all collection of information by the App, stop using the App immediately and do one of the following:

- Use the standard uninstall processes on your mobile device to uninstall the App
- Use the mobile application marketplace or network to uninstall the App

COOKIE NOTICE

Last Modified: September 26, 2022

Unless otherwise expressly stated, terms in this notice have the same meaning as defined in the **Privacy Notice**.

1. SCOPE OF NOTICE

This Cookie Notice supplements the information contained in the **Privacy Notice** and explains how we and our third-party partners and service providers use cookies and related technologies in the course of managing and providing our online services and our electronic communication to you. It explains what these technologies are and why we use them, as well as your rights to control our use of them. As noted in our **Privacy Notice**, this **Cookie Notice** does not apply to protected health information under HIPAA.

In some cases, we may use cookies and related technologies described in this Cookie Notice to collect personal information, or to collect information that becomes personal information if we combine it with other information. For more details about how we process your personal information, please review the **Privacy Notice**.

2. WHAT ARE COOKIES AND RELATED TECHNOLOGIES

As is common practice among websites, our Services use cookies, which are tiny files downloaded to your device that allow us and our third-party partners to collect certain information about your interactions

with our email communications, websites and other online services, and that improve your experience. We and our third-party partners and providers may also use other, related technologies to collect this information, such as web beacons, pixels, embedded scripts, location-identifying technologies and logging technologies (collectively, “cookies”).

We use the following types of cookies:

- (a) **Strictly necessary cookies.** These cookies enable core functionality such as security, network management and accessibility. You may disable these by changing your browser settings, but this may affect how the Services function. The legal basis for our use of strictly necessary cookies is our legitimate interests, namely being able to provide and maintain our Services.
- (b) **Functional cookies.** These enable a website to remember information that changes the way the website behaves or looks, like your preferred language or the region that you are in. The legal basis for our use of functionality cookies is our legitimate interests, namely being able to provide and maintain our Services.
- (c) **Analytical/performance cookies.** These cookies allow us to recognize and count the number of visitors to our Services, and to see how visitors move around our Services when they are using them. This helps us to improve the way our Services work, for example, by ensuring that users are finding what they are looking for easily.

3. WHAT WE COLLECT WHEN USING COOKIES

We and our third-party partners and providers may use cookies to automatically collect certain types of usage information when you visit or interact with our email communications and Services. For example, we may collect log data about your device and its software, such as your IP address, operating system, browser type, date/time of your visit, and other similar information. Our emails may also contain tracking pixels that identify if and when you have opened an email that we have sent you, how many times you have read it and whether you have clicked on any links in that email. We may also collect analytics data or use third-party analytics tools to help us measure usage and activity trends for our online services and better understand the individuals using our services. We also may collect location data, including general geographic location based on IP address.

We may include or engage in the following as part of our Services:

- **Third Party Partners.** We work with a variety of third-party partners to provide analytics and advertising services. For example, we use Google Analytics to recognize you and link the devices you use when you visit our Services on your browser or mobile device, log in to your account on our Services, or otherwise engage with us. We share a unique identifier, like a user ID, with Google to facilitate the service. Google Analytics allows us to better understand how our users interact with our Services and to tailor our advertisements and content to you. For information on how Google Analytics collects and processes data, as well as how you can control information sent to Google, review Google's website, “How Google uses data when you use our partners’ sites or apps” located at www.google.com/policies/privacy/partners/. You can learn about Google

Analytics' currently available opt-outs, including the Google Analytics Browser Ad-On here: <https://tools.google.com/dlpage/gaoptout/>.

We may also utilize certain forms of display advertising and other advanced features through Google Analytics. These features enable us to use first-party cookies (such as the Google Analytics cookie) and third-party cookies (such as the DoubleClick advertising cookie) or other third-party cookies together to inform, optimize, and display ads based on your past visits to the Services. You may control your advertising preferences or opt-out of certain Google advertising products by visiting the Google Ads Preferences Manager, currently available at <https://google.com/ads/preferences>, or by visiting NAI's online resources at <http://www.networkadvertising.org/choices>.

4. HOW WE USE INFORMATION COLLECTED VIA COOKIES

We use cookies for a variety of reasons outlined below:

- If you create an account with us, we will use cookies for the management of the signup process and general administration. These cookies will usually be deleted when you log out; however, in some cases, they may remain in order to remember your site preferences when logged out.
- When you submit data through a form, such as those found on the contact pages, cookies may be set to remember your user details for future correspondence.
- In order to provide you with a great experience on the Services, we provide the functionality to set your preferences for how the Services run when you use it. In order to remember your preferences, we need to set cookies so that this information can be called whenever you interact with a website page.
- We use cookies to provide and monitor the effectiveness of our Services, monitor online usage and activities of our Services, and facilitate the purposes identified in the **How We Use Your Personal Information** section of our Privacy Notice.
- We may also use the information we collect through cookies to understand your browsing activities, including across unaffiliated third-party sites, so that we can deliver information about products and services that may be of interest to you.
- Tracking technology used in emails helps us measure the effectiveness of our marketing email campaigns, make the emails we send to you more relevant to your interests and help us understand if you have opened and how you interacted with our email.

Please note that we link some of the personal information we collect through cookies with the other personal information that we collect about you and for the purposes described in our **Privacy Notice**.

5. YOUR CHOICES ABOUT COOKIES

If you would prefer not to accept cookies, most browsers will allow you to change the setting of cookies by adjusting the settings on your browser to: (i) notify you when you receive a cookie, which lets you choose whether or not to accept it; (ii) disable existing cookies; or (iii) set your browser to automatically

reject cookies. Be aware that disabling cookies may negatively affect the functionality of this and many other websites that you visit. Disabling cookies will usually result in also disabling certain functionalities and features of the Services.

Depending on your device and operating system, you may not be able to delete or block all cookies. In addition, if you want to reject cookies across all your browsers and devices, you will need to do so on each browser on each device you actively use. You may also set your email options to prevent the automatic downloading of images that may contain technologies that would allow us to know whether you have accessed our email and performed certain functions with it.

Your Consent

Using the App means you consent to our processing of your information as set forth in these Terms, now and as amended. "Processing" includes, but is not limited to, collecting, storing, deleting, using, combining, and disclosing information, all of which will take place in the United States.

Contact us

If you have any questions about these Terms, you can contact the Mobile App Team at cshoutreach@ucsd.edu.