

BrainWave: Snore & Sleep Track | Privacy Policy

Effective as of 9 July 2025

Thank you for using our mobile application "**BrainWave**", visiting our website at <https://brainwave.geniustech.ai> and/or communicating with us via email or text or our social media accounts, if any (collectively, the "Services").

For the purposes of data protection and privacy laws, **Tiya Pte Ltd** and **Genius AI Labs Pte. Ltd.** ("we or "us") are joint controllers in the processing of your personal information. We are committed to protecting your privacy through our data practices described in this Privacy Policy.

This Privacy Policy describes:

- The ways we collect personal information about you and why we do so;
- How we or our Authorised Partners use your personal information;
- The choices you have about your personal information; and
- How we protect your personal information.

For the purposes of this Privacy Policy, the terms "personal information" and "personal data" are used synonymously. This Privacy Policy does not apply to our data collection activities offline or otherwise outside of the Services (unless otherwise stated below or at the time of collection).

Residents of certain U.S. states have privacy rights detailed in our [Privacy Notice to US Residents](#). To the extent that there is a conflict between this Privacy Policy and the Privacy Notice to US Residents, the latter will control.

We reserve the right to change and may periodically update this Privacy Policy by posting the updated version on our website. Where required, we endeavour to notify you of material changes to this Privacy Policy by posting a notice on BrainWave. Your continued use of our

Services following the posting of changes to the Privacy Policy or any notification to you shall mean you accept those changes. To the extent any provision of this Privacy Policy is found by a competent tribunal to be invalid or unenforceable, such provision shall be severed to the extent necessary for the remainder to be valid and enforceable.

1. Contact Us

The designated joint controller representative is **Genius AI Labs Pte Ltd** which is entitled to act on behalf of **Tiya Pte Ltd** and is responsible for processing and responding to data requests made by you or any government authority.

If you have questions about how we collect, use, process or protect your personal information, or if you have any requests in respect of your personal information, we encourage you to contact us through the feedback function within the BrainWave app so we can respond more quickly. Alternatively, you may contact:

Name of the joint controller representative: Genius AI Labs Pte. Ltd.

Address: 6 Shenton Way #37-03 OUE Downtown Singapore (068809)

Attn: Data Protection Officer

Email: brainwave.support@geniustech.ai

We will respond to your requests in accordance with applicable laws and may take additional steps to verify your identity before fulfilling your request. These steps may include verifying your account details. You may also designate an authorized agent to act on your behalf but we reserve the right to verify the agent's identity and authority, and may deny any requests in appropriate circumstances.

We endeavour to respond to all requests in a timely manner. For more complex requests, we may charge a fee for processing your request. We will inform you of such fees before proceeding with your request. If you have any unresolved concerns about your privacy rights or personal data protection that we could not address adequately, you may contact your local privacy and personal data protection authority for further assistance.

2. Collection of Personal Information

When you use our Services, interact with us or participate in users' surveys or research, we may automatically collect information about you and how you use our Services. We only use

pseudonymized or anonymised data that have gone through a privacy-enhancement process to protect and improve the functionalities of the Services. **WE DO NOT USE COOKIES OR OTHER TRACKING TECHNOLOGIES.**

(I) Information You Provide

A) Personal Identification Information: The type of data collected and used depends on how you create your account, the country you are in, and if you use third party services to sign in. This may include your email address, username, profile photo etc. When you send us feedback, we will collect your name and contact details.

B) Health Data: In order for you to use the features of BrainWave, your heart rate and sleep time will be collected through your Apple health app.

C) Microphone: In order for you to use the features of BrainWave, your microphone will pick up ambient sounds during your sleep. This will be processed by Apple's sound analysis to track the quality of sleep. We do not have direct access to, listen to, or otherwise process the content of such sound recordings.

(II) Information We Get When You Use Our Services

E) Account and Device Information: When you register for a BrainWave account, we collect information such as your device ID and storage capacity etc. When you use BrainWave, we also collect your activity information in order to improve our Services.

F) Technical Usage Data : We also collect information about your wireless and mobile network connections such as service provider, IP address and signal strength. We collect these information to allow you to use the features of BrainWave, maintain security and improve the operations of our Services, as well as for our internal analytics and reporting purposes.

G) Fraud Detection Information: For the purposes of fraud detection, to protect and improve the functionalities of BrainWave, we need to collect and use information such as basic device information, device identification information, device network information and device application information of end users through our authorised partner's SDK integrated in the BrainWave app.

H) Log Information: We collect crash reports and activity logs in order to improve the functionalities of our Services and user experience.

(III) Information We Collect from Third Parties

I) Commercial or Payment Information: You need to pay subscription fees to access the features on BrainWave. The app store where you downloaded BrainWave is responsible for handling any and all payments of In-App purchases. They will collect your payment information such as credit card details and other identification information such as name, billing address, email address. After you provide the requisite information and complete the transaction, a purchasing account will be created and maintained by the app store. The app store will use your personal information to process any purchases, to confirm your orders via email, to make future purchases more convenient for you and to handle, where applicable, refunds. We do not collect or process any personal information save that the app store will provide us with high-level records of non-sensitive transaction information and subscription data (such as order number, time of order, user ID, subscription type etc) so that we can activate the paid features for your use or improve the performance of our BrainWave app.

J) We may receive information from third parties, including law enforcement and other users, about potential violations of our [Terms of Use](#).

3. How Do We Use Your Information

DO NOT SELL. We do not sell your personal information. We also do not transfer, disclose or share your personal information with third parties, except where the information is necessarily transferred, disclosed and shared with our authorised third-party partners who must use and process your information solely to provide you with the Services on our behalf.

We use your personal information for the following purposes only when it is necessary to do so for valid reasons (such as with your consent, to comply the law, to provide you with the Services, to protect your rights and interest or to fulfil our legitimate business interests) and in accordance with applicable laws:

| Personal Information | Purpose of Personal information Processing | Legal basis |
|--|---|---|
| Account Information: Pseudonymised Device ID & Storage Capacity | To create your account. | They are necessary to allow you to use BrainWave. |
| Health Data | With your consent, to process health data for the purpose of providing real-time sleep monitoring to deliver adaptive audio studied for | They are necessary to allow you to use BrainWave. You provided consent for processing health data which contains personal information. |

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|---|--|--|
| | their potential to support deep sleep. | |
| Recordings | With your consent, to process ambient noise during sleep to real-time sleep monitoring to deliver adaptive audio studied for their potential to support deep sleep. | They are necessary to allow you to use BrainWave. You provided consent for processing sound recordings which may or may not contain personal information. |
| Activity Information Activity logs, timestamps, country, pseudonymised recordings | To better understand how our users use and interact with the Services. To identify areas for improvement. To optimize the user experience. | We have legitimate interests to develop and improve our products and features for our users. |
| Fraud Detection Information - Basic device information (eg:brand, model, device system version settings) - Device identification information (eg: IMEI, ICCID, IDFV, OAID, bluetooth, MAC) - Device network information (Eg: WIFI, IP address, network connection status) - Installed application information (Eg: SDK host application package name and version number, application list) | To identify and prevent fraudulent activities, software and tools within the Services and/or employed by end users. To identify a banned account or a device. | It is in our legitimate interests to ensure the security of the environment of our Services and safety of our users. |
| Pseudonymised Payment Transaction Information Transaction ID | To allow you to subscribe to BrainWave's subscription plans. | They are necessary to allow you to use BrainWave. You provided consent when you purchase the subscription plans. |

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|---|---|---|
| <p>Crash Reporting Information: Crash/ Error information collected from your usage with the BrainWave app</p> | <p>To conduct crash reporting analysis.</p> <p>To discover error frequency and trends to ensure a high level of functionality for BrainWave.</p> | <p>You provided consent for processing of personal information.</p> <p>It is necessary to allow you to use BrainWave.</p> <p>We have legitimate interests to develop and improve our products and features for our users.</p> |
| <p>Survey and User Research</p> | <p>When our users respond to a survey or take part in any user research, we collect and use the personal information as described in the survey or user research.</p> | <p>You provided consent for processing of personal information.</p> |
| <p>Customer Support Information Email, details of the request</p> | <p>To provide you with customer and technical support when you have enquiries, when you need troubleshooting, to fix bugs and to assist with any issues you might experience using BrainWave.</p> | <p>They are necessary for us to troubleshoot issues for you to continue using BrainWave normally if you encounter any issues using the app.</p> <p>You provided consent for processing of personal information.</p> |

4. Who Else Can Use Your Information

We may share your information with other entities in the following situations:

A) Our Related Entities: We might share your personal information within our corporate group to assist us in technical processing operations (such as data hosting, analytics or maintenance), finance, legal, HR or accounting assistance, enhancing security against spam, abuse, fraud, infringement or other wrongdoings, and improve the Services; for corporate audit, analysis, strategic planning, corporate transactions (for example merger and acquisition, sale of company assets, financing etc); or compliance with applicable law. Each entity within the group may only use your personal information in accordance with this Privacy Policy.

B) Our Authorised Partners: We work with third party vendors to provide the BrainWave app ("Authorised Partners" or "Vendors"). We seek to update our list of Authorised Partners below as soon as practicable. These Authorised Partners process your information only at and according to our instructions. They perform tasks such as hosting, user support, analytics and fraud detection and prevention. For more information, please read the privacy policies of our Vendors.

| Vendor | Purpose |
|------------|--|
| Firebase | Crash analytics |
| iShumei | Fraud detection and prevention, Risk control |
| Appflyer | Mobile attribution and marketing analytics |
| TwitterSDK | SSO login |
| LineSDK | SSO login |

C) Government Agencies: In order to verify payments of In-App purchases and combat fraud and illegal activity, we may process and disclose information to other organizations or provide information to government agencies in response to any lawful request. If required by any government authority or courts for any purposes such as the enforcement of any laws or to prevent their contravention, we may release your personal information as is legally required or permitted.

5. Cross Border Data Transfers

In order to provide you with the full range of Services efficiently, we are working with authorised third party partners as well as related entities within our corporate group around the world. Accordingly, your personal information may be accessed by our authorised personnel around the world and/or your personal information may be lawfully transferred at our instructions for limited access, use or processing by our authorised personnel around the world. Because the data protection and privacy laws in other countries may be different from those of your home country, we will take steps to ensure that adequate safeguards are in place to protect your personal information as explained in this Privacy Policy. Adequate safeguards that we may use include relying on approved standard contractual clauses and implementing other lawful safeguards.

6. Your Rights and Choices

A) Device Settings

We will ask for your permission to access your phone microphone, camera, photos or other phone applications so that you can use the app's features. We may also ask for your permission to send you push notifications. You may opt-out at any time by changing the settings on your mobile device.

B) Access the personal information we hold about you

Upon your written request and successful verification of your identity, we will provide you with a copy of your personal information in an electronic format.

C) Personal information rights

You may, at any time, withdraw your consent for us to collect, use, disclose or transfer your personal information to third parties. You also have the right to rectify or delete your personal information, or limit the processing of your personal information. Upon receipt of your written request, we require reasonable time (depending on the complexity of the request and its impact on our relationship with you) for your request to be processed and for us to notify you of the consequences regarding the same. In general, we shall seek to process your request within thirty (30) calendar days of receiving it. Depending on the nature and scope of your request, you may not be able to access some or all features on BrainWave, and we may have to terminate the [End-User License Agreement](#) we have with you. We will notify you before completing the processing of your request. Should you decide to cancel your request, please inform us immediately.

Please note that

- a. If you choose not to provide us with all the personal information as required to (i) register a user account, (ii) use the Services, (iii) process your personal information requests or (iv) assist you on other feedback, queries or requests, we may (x) be unable to, or refuse to, process your personal information for any of the purposes stated herein, (y) be unable to (or continue to) perform our contractual obligations owed to you (if any), and/or (z) have to terminate the End User Licensing Agreement, without any liability on our part.

- b. You may withdraw your consent to using or disclosing your personal information at any time by adjusting the relevant settings on the App or by contacting us, but withdrawing does not affect the lawfulness of the processing before the withdrawal nor our rights to collect such information where (i) such use or disclosure is required by law, (ii) the personal data in question was collected from publicly available sources or (iii) such use or disclosure is necessary in an emergency where the life or health of a person is at risk.
- c. You may, by providing us with a notice in writing, limit the processing of your personal information (including to request us to cease or not begin processing your personal information for purposes of direct marketing). If you limit the processing of your personal information, we may not be in a position to continue to administer any arrangement or contractual relationship in place, which in turn may result in: (i) us being unable to (or continue to) process your personal information for any of the purposes stipulated in this Privacy Policy; (ii) unable to (or continue to) perform our contractual obligations owed to you (if any); and/or (iii) the termination of any arrangements/agreements/contracts you have with us, without any liability on our part.
- d. Even if you delete your BrainWave account or ask us to delete your personal information, we may still retain some of your data to the extent necessary to serve our legitimate business interests, such as to comply with our legal obligations, resolve disputes, and enforce our agreements. Where required under applicable laws or if you reside in Japan, we will explain to you in greater detail about why we cannot delete your personal data when we receive such requests.

Under applicable laws, you may have the right to obtain a transferable version of your personal information to transfer to another provider.

To exercise your personal information rights, please contact us according to Section 1 "Contact Us" above. You will not be subject to discriminatory treatment for exercising your rights.

D) Cancelling your subscription plan

You may cancel your paid subscription plan any time. If you decide to cancel your paid subscription, you will enjoy the paid features as per the full billing cycle. If you decide to delete your BrainWave account before the paid subscription expires, you may lose your subscription status, your personal information or other related information associated with the account. You will be informed and required to acknowledge the consequences of deleting your account. However, we may retain some information to the extent necessary to prevent fraud, troubleshoot problems, assist with any investigations, enforce our [Terms of Use](#) and/or comply with applicable legal requirements.

7. How Do We Protect Your Personal Information

A) Security

In order to help ensure a secure environment for the Services and safe experience for our users, we are continuously developing and implementing reasonable administrative, technical and physical security measures to protect your personal information from unauthorized use or access and against loss, misuse or alteration.

While we try our best, we cannot warrant the security of any information transmitted to us through or in connection with the Services, that we store on our or our authorised partners' systems.

Any improper collection or misuse of personal information is a violation of this Privacy Policy and our [Terms of Use](#) and should be reported to brainwave.support@geniustech.ai.

B) Pseudonymisation, anonymisation and aggregation techniques

These privacy-enhancing techniques involve modifying or removing certain identifying information from your personal data and information to make it more difficult to link the data or information to you. We only use information that has gone through this privacy-enhancement process if we are using them to improve functionalities of the Services.

C) Personal information retention

Generally, we will store your personal information only for the time period necessary:

1. to fulfil the purposes for which such personal information was collected;
2. for as long as you have an active subscription or as needed to provide you the Services (You may terminate your subscription or delete your account any time and if do not have any active subscription for two years, we may delete your account for you); or
3. as required or permitted by applicable laws (such as tax, accounting, or other legal requirements).

Once we determine that the retention of your personal information is no longer necessary for the intended purposes, or that retention is no longer necessary for any legal or business

purpose, we will cease to retain your personal information, or anonymise the personal information so that it can no longer be used to identify any particular individual.

Logs are pseudonymized and retained for a year, after which we may delete or anonymize it.

D) Device storage

Your phone recordings are created on your device, and processed by Apple's sound analytics. We do not directly access or use your audio recordings.

8. Protecting Children's Privacy

We take our responsibilities to the BrainWave community very seriously. We also believe in protecting children's privacy online. BrainWave app is not meant for use by persons under the age of 18 years old. If you are under the age of 18, please do not use our BrainWave app in any manner. If you are a minor, you may only access and use BrainWave app with the consent and under supervision of your parent or legal guardian. Please note that you must be of legal age according to the laws of your home country to make any In-App purchases on BrainWave.

We do not knowingly collect personal information and data from anyone under the age of 18 and the BrainWave app is not directed at children under the age of 18. Any person who provides their personal information to us through our Services explicitly represents that they are 18 years of age or older. If we become aware that someone under 18 years of age provided us with their personal information, we will close the account of that person and promptly delete their information or remove their information to the extent required by law, save when we are under a legal obligation to keep certain information.

If you are a parent or legal guardian of a minor, and wish to review any personal data that may have been collected by us from your child or ward for security reasons, or request that their BrainWave account or personal information be modified or deleted for security or accuracy reasons, you may contact us at brainwave.support@geniustech.ai. We will respond to your requests after verifying the identities of the relevant users and their parents or legal guardians, and obtaining consent (if required under the laws) from the relevant users.

You are responsible for any and all account activity conducted by a minor on your BrainWave account.

9. Notice to US Residents

Residents of certain U.S. states have privacy rights detailed in our [Privacy Notice to US Residents](#). To the extent that there is a conflict between this Privacy Policy and the Privacy Notice to US Residents, the latter will control.

10. Notice to EU or UK Residents

Pursuant to the General Data Protection Regulation (GDPR) and the UK Data Protection Act, we now explain the valid legal bases we rely on in order to process your personal information.

- 1. Consent.** We may process your information if you have given us permission to use your personal information for a specific purpose. You can withdraw your consent at any time.
- 2. Performance of a contract.** It is necessary for us to process your information in order to allow you to register a BrainWave account and grant you a license to access, use or navigate our Services (or continue to do so at your choice).
- 3. Compliance with Legal Obligations.** We may process your information where we believe it is necessary for compliance with our legal obligations, such as to cooperate with a law enforcement body or regulatory agency, exercise or defend our legal rights, or disclose your information as evidence in litigation in which we are involved.
- 4. Legitimate Interests.** We may process your information where we believe it is necessary to protect your vital interests or the vital interests of a third party, such as situations involving potential threats to the safety of any person.

11. Notice to Canadian Residents

We may process your information if you have given us specific permission to use your personal information for a specific purpose, or in situations where your permission can be inferred. You can withdraw your consent at any time.

In some exceptional cases, we may be legally permitted under applicable law to process your information without your consent, including, for example:

1. If collection is clearly in the interests of an individual and consent cannot be obtained in a timely way.
2. For investigations and fraud detection and prevention.

3. For business transactions provided certain conditions are met.
4. If it is contained in a witness statement and the collection is necessary to assess, process, or settle an insurance claim.
5. For identifying injured, ill, or deceased persons and communicating with next of kin.
6. If we have reasonable grounds to believe an individual has been, is, or may be victim of financial abuse.
7. If it is reasonable to expect collection and use with consent would compromise the availability or the accuracy of the information and the collection is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province.
8. If disclosure is required to comply with a subpoena, warrant, court order, or rules of the court relating to the production of records.
9. If it was produced by an individual in the course of their employment, business, or profession and the collection is consistent with the purposes for which the information was produced.
10. If the collection is solely for journalistic, artistic, or literary purposes.
11. If the information is publicly available and is specified by the regulations.

12. Notice to Malaysian Residents

This section applies to you if you reside in Malaysia. In this section, the term “processing” shall have the same meaning as prescribed in the Malaysian Personal Data Protection Act 2010 (“MY PDPA”).

Personal Information of Minors – In respect of personal information relating to a minor (i.e. individuals under the age of 18), you confirm that you are the parent or legal guardian or person who has the parental responsibility for the said minor to consent on his/her behalf to the processing of his/her personal information in accordance with this Privacy Policy.

Obligatory Personal Information – It is obligatory that you supply us your details for fields marked as compulsory (where applicable) when you register an account or use our Services (collectively, “Compulsory Personal Information”). If you fail to supply us with any of the Compulsory Personal Information, we may refuse to, or may be unable to, process your personal information for any of the purposes specified in this Privacy Policy.

Language – In the event of any inconsistency between the English version and the Bahasa Malaysia version of this Privacy Policy, the English version shall prevail over the Bahasa Malaysia

version.

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