

Privacy Policy

Effective/Updated as of June 24, 2019

Introduction. Bamia2, LLC (“the Company”) is committed to protecting the privacy of certain data that is collected from you and that you submit when you access this website (the “Site”). The nature of our business requires that we gather and maintain information that is of a personal nature that you wish to keep protected.

This Privacy Policy (“Policy”) describes our policies and practices regarding the collection, use and disclosure of personal information you submit, or we obtain in connection with your use of this Site. Please read this Policy carefully before using the Site or submitting information to us. By accessing or visiting this Site, you indicate your understanding that the collection, use, and sharing of your information is subject to the terms of this Policy. If you do not consent to the collection, use, and sharing of your information as described in this Policy, please do not provide us with such information.

Changes to this Policy. We reserve the right to change this Policy at any time. In the event we make material change(s) to the Policy, changes will be effective immediately upon posting to the Site and will apply to your use of the Site after the “effective date” listed above. You understand and agree that your continued use of the Site after the effective date, means that the collection, use, and sharing of your information is subject to the updated Policy.

Except to the extent we obtain your consent or as permitted or required by applicable law, we will handle your personal information collected through the Site in accordance with the terms of the Policy in effect at the time of such collection.

Information We Collect. As you are probably aware, we may collect information from a variety of sources to operate the Site, carry out our business, comply with law and other purposes described herein.

- Information You May Provide.

- To subscribe to a newsletter, e-blasts, e-news, respond to surveys, contact us or to request information, we may ask you to provide your name, email address, address, organization, or affiliation.

You do not have to provide the above information to access or use the other sections of the Site. At no time will we ask you to provide sensitive data (e.g., race, ethnicity, political opinions, religious/philosophical beliefs, trade union membership, physical/mental health, sexual orientation, or criminal record) in connection with your use of the Site.

- Information on Your Use. We collect information about and log your visits and use of the Site. We also use cookies and internet protocol (“IP”) addresses to identify you and log your use of the Site. For more details please see our section on Cookies, below.
- Statistical Data. To monitor use of the Site and improve its quality, we may compile statistical information concerning the use of the Site through analytics services, such as those provided by Google Analytics. Examples of this information may include: the number of visitors to the Site, or to sections or pages within the Site, patterns of traffic flowing through the Site, length of time spent on the Site, or in sections or pages of the Site, the other sites that refer visitors to the Site, the pages of the Site that visitors frequently use as entry and exit points, utilization of the browser and operating systems and versions used by visitors to the Site. The analytics services may transfer this information to third parties in case of a legal obligation or if a third-party processes data on behalf of that service. To compile this information, we may collect and store:

- o Your IP address
- o Your operating system version
- o Your browser version
- o The pages you visit within the Site
- o The length of time you spend on pages within the Site
- o The site from which you linked to ours
- o Search terms you used in search engines which resulted in you linking to the Site, etc.

While all of this information can be associated with the IP address belonging to the computer you used to visit the Site, it will not be associated with you as an individual, or associated with any other information you may submit through the Site, or that we may store about you for any other purposes.

- Cookies and Similar Technology. We may use technologies such as cookies, pixel tags, browser analysis tools, server logs and web beacons to recognize you when you return to the Site and to help us improve the quality of our service when you visit our Site. We may also use cookies to tailor our products and services to suit your personal interests, estimate our audience size, track visits to our Site and, as applicable, to process your requests.

You may control cookies, including preventing or stopping the installation and storage of cookies, through your browser settings and other tools. If you do so, our Site may not function correctly. Please refer to the Help feature of your browser for information on disabling cookies.

IMPORTANT: By using the Site, you consent to the processing of any personal data provided or collected for the analytics purposes and functions described above.

How We Use Your Data. In general, we will use the information we collect about you only for the purpose it was collected, for compatible purposes, as permitted or required by law, as necessary to carry out our contractual duties and obligations, and as otherwise provided in this Policy. For example, we may use your data:

- To respond to your requests for information about the Company or relating to activities, opportunities, events, or products appearing on the Site.
- To communicate with you. We may send you messages about the availability of our Site, security, or other service-related issues. Please be aware that you cannot opt-out of receiving service messages from us, including security and legal notices.
- For our research and development efforts. We may use data, including public feedback and surveys, to conduct research and for the development of the Site and the services, products, and information we provide to you.
- For other everyday business purposes. By way of example product development, contract management, IT and website administration, fulfillment, analytics, fraud prevention, corporate governance, reporting and legal compliance.
- To provide you with the products and/or services you have requested.
- To inform you of the products, services, events, or activities that we think may be of interest to you. For example, we may send you announcements, surveys, and newsletters using any communications preferences you have expressed. We may provide these communications via email, postal mail, online advertising, social media, telephone, text message (including SMS and MMS), push notifications, in-app messaging, and other means.
- To ensure your information is accurate and to personalize our communications to you. For example, we may aggregate your personal information with data from third-party sources for purposes of keeping information up to date. We may also rely on information from third parties in order to provide better, more personalized service. If you connect your social media services or other accounts to our services, we may use this information to make your experiences with us more personal and social or share and use it as described elsewhere in this Policy. We do not share your personal data with any third-party advertisers for their advertising.

If you no longer wish to receive a communication from the Company, you have the option of unsubscribing from our mailing list for that communication.

How We Share Your Data. In general, we will not disclose your personal data we collect through this Site except with your consent and as described in this Policy. We may disclose your data for the same reasons that we may use it as described in this Policy, which includes disclosing it to our affiliates and non-affiliated entities, as we deem necessary to carry out those purposes.

- In general, we may disclose on an aggregated basis, personal demographic information to funders and other interested stakeholders who require such information.
- Third Party Vendors. We may need to use or disclose this information with our third-party vendors:
 - o With your consent or as you direct;
 - o To manage the Site;
 - o To provide you with products, services, or offers;
 - o To engage in fundraising related activities
 - o To enhance our services by, among other methods, obtaining assistance with providing more personalized services to you through analytics and other technologies;
 - o To protect our interests and legal rights, such as through responding to subpoenas and defending litigation; and

o To protect against and prevent fraud, illegal activity (such as identifying and responding to incidents of hacking or misuse of our websites and mobile applications), and claims and other liabilities.

We endeavor to choose affiliates and non-affiliates with similar standards to ours regarding the protection of data.

▪ Legal Process, Security, Defense, Protection. It is possible that we will need to disclose information about you if required by law, subpoena, or other legal process. Additionally, we may disclose information about you if we have a good faith belief that disclosure is reasonably necessary to:

o Demonstrate our relationship with you;

o Investigate, prevent, or take action regarding suspected or actual illegal activities or to assist law enforcement agencies;

o Protect the security or integrity of the Site;

o Investigate and defend ourselves against any third-party allegations or claims; or

o Protect the rights and safety of others.

▪ Change in Control or Sale. We may share, sell, assign, or license your personal data in connection with certain business transactions, such as a sale, acquisition, merger, or change in control, or in preparation for any of these events. In such cases, we will take appropriate steps under the circumstances and to the extent possible to ensure that the recipient agrees to provide privacy protections substantially similar to those established by this Policy. Any entity that acquires all or substantially all of the Company's assets will have the right to continue using your data consistent with this Policy or as otherwise agreed to by you.

In no case will we sell or license your data to third parties, except as set forth above or as required or permitted by law.

▪ Social Media Plugins. This Site may use social media plugins (e.g. Facebook and LinkedIn) to enable you to easily share information with others. When you visit our Site, the operator of the social plugin can place a cookie on your computer, enabling that operator to recognize individuals who have previously visited our Site. If you are logged into the social media website (e.g. Facebook, Twitter) while browsing our Site, the social plugins allow that social media website to share data about your activities on our Site with other users of their social media website. For example, Facebook Social Plugins allow Facebook to show your Likes and comments on our pages to your Facebook friends. Facebook Social Plugins also allow you to see your friends' Facebook activity on our website. We do not control any of the content from the social media plugins. For more information about social plugins from other media websites you should refer to those sites' privacy and data/information sharing statements/policies.

Safeguarding of Information. No system for safeguarding personal or other information is 100% secure and even though we have taken steps to protect your personal information from being intercepted, accessed, used or disclosed by unauthorized persons, we cannot fully eliminate security risks associated with personal information. However, we take a number of steps to safeguard the security of personal information obtained through the Site. For example, we maintain administrative, technical and physical controls to reasonably safeguard data from

unlawful use, unauthorized access or disclosure. Additionally, we use Secure Socket Layer (SSL) data encryption when data is transmitted over the Internet to our Site. Individuals who have access to confidential and otherwise nonpublic data are required to maintain the confidentiality of such information.

Do Not Track. “Do Not Track” is a privacy preference that you can set in your Internet search browser that sends a signal to a website that you do not want the website operator to track certain browsing information about you. However, because our Site is not configured to detect Do Not Track signals from a user’s computer, we are unable to respond to Do Not Track requests. This Site does not collect personally identifiable information about an individual consumer’s online activities over time and across different Web sites when a consumer uses our Site or service.

Links to Third Parties’ Sites. We may provide links to websites or resources outside of our Site for your informational purposes only. You acknowledge and agree we are not responsible for the availability of such sites or resources, and do not endorse and are not responsible or liable for any content, advertising, goods, services or other materials on, available through or provided by such sites or resources. We are not responsible for the privacy or other practices of such sites and cannot guarantee the security of any of your personal information that you provide or may be collected by such sites. We encourage you to review the privacy policies and terms and conditions on those linked sites.

Information of Children. The Site is not directed to children as the products and services on this Site are intended for persons 18 years of age and older. The Company does not knowingly collect, use or disclose any personal information from children. If you are concerned about your child’s use of the Site, you may use web-filtering technology to supervise or limit access to the Site.

Applicable law. This Policy is governed by the internal substantive laws of the State of New York, without regard to its conflict of laws principles. Jurisdiction for any claims arising under or out of this Privacy Policy shall lie exclusively with the state and federal courts within New York. If any provision of this Policy is found to be invalid by a court having competent jurisdiction, the invalidity of such provision shall not affect the validity of the remaining provisions of this Policy, which shall remain in full force and effect.

California Residents. If you are a California resident, please read the following:

- California Civil Code Section 1798.83 permits you to request information regarding the disclosure of your personal information by certain members of the Company to third parties for the third parties’ direct marketing purposes. Requests may be made one time per calendar year. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (e.g., requests made in 2018 will receive information regarding 2017 sharing activities). You may submit your request using the contact information at the end of this Policy.

• If you are under the age of 18, and a registered user of any site where this policy is posted, California law permits you to request and obtain removal of content or information you have publicly posted. You may submit your request using the contact information at the end of this Policy. Please be aware that such a request does not ensure complete or comprehensive removal of the content or information you have posted and that there may be circumstances in which the law does not require or allow removal even if requested.

Retention. We retain your personal data only for the period of time needed to fulfill the purposes stated in this Policy or as required by applicable legal, regulatory, or operational needs.

Notice to Site Users Located Outside the U.S.

The Company operates in accordance with the laws of the U.S. When you access our Site from outside the U.S., we may transfer the personal information that we collect from you to a location outside of your jurisdiction, including the U.S. The data protection laws in these jurisdictions may not provide you with the same protections as those of your jurisdiction. By using this Site you acknowledge that these laws may provide a different standard of protection and you consent to the transfer of your personal data to other jurisdictions, including the U.S.

Your Choices Regarding Your Personal Information. You can always limit the information you provide to us, but if you choose not to provide certain requested information, you may be unable to access some of the services and content on the Site. You can also limit the communications that we may send you by following a simple opt-out or unsubscribe process. Simply follow the instructions in our newsletter or other communications to opt-out of receiving, or unsubscribe from, future communications.

Please note that even if you opt-out of certain communications from us, we may still need to contact you with important information about your use of the Site.

How to Contact Us. If you have any questions regarding this Policy, your privacy, or our policies in the event of a compromise of your information, you may contact us at:

customerservice@mercatoeats.com