

PRIVACY POLICY

Effective Date: This Privacy Policy was last updated on November 17, 2020. Curation Foods, Inc. ("Curation", "we", "us" or "our") takes your privacy seriously in accordance with its obligations under the applicable privacy legislation depending on your jurisdiction. This Privacy Policy (the "Policy") describes how and why we obtain, store and process your Personal Information. We do reserve the right to change this Privacy Statement at any time by posting a new privacy statement on our website. We urge you to read the Policy carefully in order to gain a clear understanding of how we may collect, use or disclose your Personal Information in the course of providing you with our products or services, and your use of our website www.CurationFoods.com. Our privacy practices may vary between the countries in which we operate to reflect local practices and legal requirements.

If you are a California resident, please see the Attached Appendix for specific information about your rights.

By using our website, or otherwise interacting with us, you consent to the collection, use and disclosure of your personal information by Curation in accordance with the terms of and for the purposes set out in this Privacy Policy.

This Policy covers the following:

1. What is Personal Information?
2. What Personal Information do we collect?
3. How do we collect your Personal Information?
4. Cookies and tracking technologies
5. How do we use your Personal Information?
6. How do we share your Personal Information?
7. How long do we retain your Personal Information?
8. Where do we store your Personal Information?
9. How do we protect your Personal Information?
10. What do we do in case of a privacy or security breach?
11. How can you access or correct any inaccuracies in your Personal Information?
12. Your choices with respect to the collection, use and disclosure of your Personal Information
13. Links to other websites
14. Resolving your privacy concerns
15. Changes to this Privacy Policy

The following is a short summary of the key elements of this Policy. You can read the full version of the Policy following the summary.

SUMMARY

We may collect the following Personal Information:

When you complete our Contact Form on our website:

- name, email address, company;
- subject matter of your inquiry;

- other information that you may choose to share with us in your message.

When you complete a transaction on our website:

- payment information, including your credit card number, billing address and transaction history
- shipping address;
- your role in your organization in order to better understand our target audience and to improve the provision of our products and services.

When you use our website:

- The following usage information may be collected automatically through the use of analytics tools such as Google Analytics [<https://policies.google.com/privacy?hl=en-US>] in order to better understand our target audience and to improve the quality of our products, services and website:
 - information about your browser, network and device;
 - information about the webpages you visited prior to coming to our website;
 - network location and IP address.

We may use your Personal Information for the following purposes:

- to provide you with our products, services and website;
- to complete transactions and process payment;
- to respond to questions or comments you have submitted;
- to provide a better user experience with respect to the use of our website;
- to better understand our target audience and to continue improving the quality of our products, services and website;
- to communicate with you about our products and services, including updates or newsletters, or to deliver content that may be of interest to you;
- to ensure that our website remains functioning and secure;
- to investigate, prevent or act on any illegal activities or violations of our Terms of Service;
- to post or otherwise use your submission of a recipe, comment or feedback to us, we may disclose your name so that we can credit you with submitting the submission.

We may share your Personal Information with the following parties:

- a) individuals or organizations who are our trusted advisers or consultants;
- b) our shipping service provider, FedEx [<https://www.fedex.com/en-us/trust-center/global-privacy-policy.html>], or other shipping service providers, for the purposes of arranging for shipping and delivery of our products;
- c) advertising and marketing service providers including: Google Ads; Google Analytics [see Google's Privacy Policy [<https://policies.google.com/privacy?hl=en-US>];

- d) other service providers, including individuals or organizations who are, or may be, involved in maintaining, reviewing and developing our systems, procedures and infrastructure including testing or upgrading of our computer systems.

You have the following choices:

Depending on your country, products, services or your use of our website, your choices may include the following:

- Cookies Settings and Preferences. You may disable cookies and other tracking technologies through the settings in your browser. While doing so may negatively affect your experience with the use of our website, it will not prevent us from transacting with you.
- E-mail Settings and Preferences. You may sign up for our mailing lists in order to receive promotional and other materials that may be of interest to you. If you no longer wish to receive marketing e-mails from us, you may choose to unsubscribe at any time by clicking on the "unsubscribe" link in our emails.
- Opt-Outs. You may contact us to opt out of anonymization of your Personal Information for data analyses, the use or sharing of your personal information, including for marketing purposes, and/or the provision of your personal information to our business partners for such purposes. Depending on your jurisdiction, anonymization of your Personal Information for data analyses. If you opt-out of uses or sharing of information that is necessary for us to provide our products or services, we may be no longer able to provide them.
- Analytics Tools. You may opt out of the use of your personal information for analytics purposes here: <https://tools.google.com/dlpage/gaoptout>

In case of a breach of security safeguards, we will:

- determine whether the breach creates a real risk of significant harm to you, including physical, financial or reputational harm;
- notify you and the relevant Privacy & Data Protection Authorities in your jurisdiction should we determine there is a real risk of significant harm, or we otherwise determine it to be appropriate or required;
- notify any other organization or government institution that can reduce the risk or mitigate the harm from the breach; and
- keep a record of the breach in accordance with our legal obligations.

How to contact us:

For more information about this Policy, our privacy practices or to obtain access to or correction of your Personal Information, please contact our Privacy Officer at 2811 Air Park Drive, Santa Maria, CA 93455 or aperlitsh@landec.com.

PRIVACY POLICY

Our privacy practices may vary among the countries in which we operate to reflect local practices and legal requirements.

1. What is Personal Information?

"Personal Information" means any information about an identified individual or an individual whose identity may be inferred or determined from such information. "Personal Information" may or may not include business contact information, depending on the jurisdiction.

Anonymized data

This Policy does not cover anonymized, aggregated data from which the identity of an individual cannot be determined. Curation Inc. retains the right to use business contact information and aggregated data in any way that it determines appropriate.

2. Information we may collect:

If you do not want your personally identifiable information collected, please do not submit it to us.

You may control the collection of information associated with you by going to <http://media.eatsmart.net/optout.html>.

We may collect the following types of personal information when you complete the Contact Form on our website:

- name, email address, company;
- contact information such as your postal address, zip/postal code, telephone number;
- subject matter of your inquiry;
- information that you may choose to share with us in your message.

Automatic Collection

Our website is configured to automatically collect, through the use of analytics tools (including Google Analytics <https://policies.google.com/privacy?hl=en-US>, the following types of usage information in order to better understand our target audience and to improve the quality of our products, services and website:

- information about your browser, network and device;
- information about the webpages you visited prior to coming to our website;
- network location and IP address.

3. How do we collect your Personal Information?

Curation only collects Personal Information for purposes that would be considered reasonable in the circumstances and only such information as is required for the purposes of providing our products, services or website. We use only fair and lawful methods to collect Personal Information.

(i) Consent

Unless permitted by law, no Personal Information is collected, without first obtaining the consent of the individual concerned to the collection, use and disclosure of that information.

However, we may seek consent to use and disclose Personal Information after it has been collected in those cases where we wish to use the information for a new or different purpose where the individual concerned has not already consented to such a use of their personal information.

(ii) Withdrawing your consent

In most cases and subject to legal and contractual restrictions, you are free to refuse or withdraw your consent at any time upon reasonable, advance notice. Consent cannot be withdrawn retroactively. It should be noted that in certain circumstances, our products or services can only be offered if you provide us with your Personal Information. Consequently, if you choose not provide us with the required Personal Information, or if you later withdraw your consent, we may not be able to offer you these products or services. We will inform you of the consequences of the withdrawal of consent.

4. Cookies and tracking technologies

We use cookies (data files placed on your device) on our website to collect usage information when you visit our website. We may place cookies or similar files on your device for security purposes, to facilitate site navigation, or to integrate the website with the services provided by our service providers.

Disabling cookies: To learn how you may be able to reduce the number of cookies you receive from us, or disable cookies that have already been installed in your browser's cookie folder, please refer to your browser's help menu or other instructions related to your browser. You can also learn more about cookies by visiting www.allaboutcookies.org, which includes additional useful information on cookies and how to block cookies using different types of browsers. Note that while disabling cookies may negatively affect your user experience on our websites, it will not prevent us from transacting with you.

5. How we may use your Personal Information

We use the information we collect for the following purposes:

- to provide you with our products, services and website;
- to complete transactions and process payment;
- to respond to a question or comment you have submitted;
- to provide a better user experience with respect to the use of our website;
- to better understand our target audience and to continue improving the quality of our products, services and website;
- to communicate with you about our products and services, including updates or newsletters, or to deliver content that may be of interest to you;
- to ensure that our website remains functioning and secure;
- to investigate, prevent or act on any illegal activities or violations of our Terms of Service;
- to post or otherwise use your submission of a recipe, comment or feedback to us, we may disclose your name so that we can credit you with submitting the submission.

If you do not want to continue to receive commercial messages from us, please send an email to us at info@eatSMART.net with "Unsubscribe" in the subject line, or follow the instructions in any such message sent.

6. How do we share your Personal Information?

We may share your Personal Information with the following third parties:

- (a) to trusted partners who work on our behalf, who may use your personal information to help us communicate with you about offers;
- (b) our shipping service provider, FED EX [<https://www.fedex.com/en-us/trust-center/global-privacy-policy.html>], or other shipping service providers, for the purposes of arranging for shipping and delivery of our products;
- (c) the following advertising and marketing service providers: Google Ads; Google Analytics [see Google's Privacy Policy [<https://policies.google.com/privacy?hl=en-US>]];
- (d) other service providers, including individuals or organizations who are, or may be, involved in maintaining, reviewing and developing our systems, procedures and infrastructure including testing or upgrading of our computer systems;
- (e) Curations headquarters in the U.S., our affiliates and other entities within Curations' group of companies

(i) Third Party Service Providers

We may contract with third party service providers to provide support services required for the provision of our products, services or website. When we transfer Personal Information to service providers or contractors that perform services on its behalf, we will require those third parties to use such information solely for the purposes of providing services to us or our users, and to have appropriate safeguards for the protection of that Personal Information.

(ii) Business transactions

We may disclose personal information where it is necessary for the purpose of a prospective business transaction if the information is necessary to determine whether to proceed with the transaction or to complete the transaction, or a completed business transaction where the information is necessary to carry on the activity that was the object of the transaction. A "business transaction" includes:

- i. the purchase, sale or other acquisition or disposition of an organization or a part of an organization, or any of its assets;
- ii. the merger or amalgamation of two or more organizations;
- iii. the making of a loan or provision of other financing to an organization or a part of an organization;

- iv. the creating of a charge on, or the taking of a security interest in or a security on, any assets or securities of an organization;
 - iv. the lease or licensing of any of an organization's assets; and
 - v. any other prescribed arrangement between two or more organizations to conduct a business activity.
- (iii) Where Disclosure can be made without consent

Please note that there are circumstances where the use and/or disclosure of Personal Information may be required or permitted without consent. Such circumstances may include:

- (a) Where required by law or by order or requirement of a court, administrative agency or governmental tribunal;
- (b) Where Curation believes, upon reasonable grounds, that it is necessary to protect the rights, privacy, safety or property of an identifiable person or group;
- (c) Where it is necessary to permit us to pursue available remedies or limit any damages that we may sustain;
- (d) Where the information is public as permitted by law; or
- (e) Where it is reasonable for the purposes of investigating a breach of an agreement, or actual or suspected illegal activity.

Where required or permitted to disclose information without consent, we will not disclose more information than is required.

7. How long do we retain your Personal Information?

We keep your Personal Information only as long as it is required for the reasons it was collected or that we otherwise disclose to you. The length of time we retain information varies, depending on the purpose for which it was collected and the nature of the information. This period may extend beyond the end of your relationship with us but it will be only for so long as it is necessary for us to have sufficient information to respond to any issues that may arise at a later date. As such, we may keep your account information after the termination of your account.

When your Personal Information is no longer required for the purposes for which it was collected, we will destroy, delete, erase or convert it into an anonymous form.

8. How can you access or correct any inaccuracies in your Personal Information?

Curation endeavors to ensure that any Personal Information provided and in its possession is as accurate, current and complete as necessary for the purposes for which we use that information. If we become aware that Personal Information is inaccurate, incomplete or out of date, we will revise the Personal Information and, if necessary, use our best efforts to inform third party service providers or contractors which were provided with inaccurate information so that those third parties may also correct their records.

Curation permits the reasonable right of access, review, and to request correction of Personal Information held by us about an individual and will endeavor to provide your information in question within a reasonable time, generally no later than 30 days following the request. To guard against fraudulent requests for access, we may require sufficient information to allow us to confirm that the person making the request is authorized to do so before granting access or making corrections.

9. Where do we store your Personal Information?

We primarily store the Personal Information we collect at [specify location].

(i) Cross Border Transfer of Information

Curation may retain or transfer your Personal Information to the United States and other countries, which, depending on your country, may not have the same data protection laws as the country in which you initially provided the information. However, we will protect your Personal Information in accordance with this Privacy Policy, or as otherwise disclosed to you. Personal Information may be subject to access by and disclosure to governments and law enforcement agencies in those jurisdictions according to their law.

10. How do we protect your Personal Information? Keeping information about you secure is very important to us, and this website has security measures, such as administrative, technical and physical safeguards, to protect against the loss, misuse, unauthorized access, disclosure, and alteration of the information under our control. This also applies to our disposal or destruction of Personal Information. We further protect Personal Information by restricting access to it to those employees or other persons described in this Privacy Policy that require access to the information in order to provide our products, services or website, or to otherwise carry out the purposes described in this Privacy Policy. However, no data transmission over the Internet can be guaranteed to be totally secure, and a sufficiently powerful attack from an unauthorized third party could compromise your data. Therefore we disclaim any and all liability for unauthorized access or use, or compromise of your personal information submitted through the website. Users are hereby advised that they submit such personal information at their own risk.

11. What do we do in case of a privacy or security breach?

A "breach of security safeguards" is defined as the loss of, unauthorized access to or unauthorized disclosure of personal information resulting from a breach of an organization's security safeguards or from a failure to establish those safeguards. In case of a breach of security safeguards involving your Personal Information under our control, we will notify you and the relevant Privacy & Data Protection authorities depending on your jurisdiction, if it is reasonable in the circumstances to believe that the breach creates a real risk of significant harm to you, including physical, financial or reputational harm. We will also notify any other organization or government institution that can reduce the risk or mitigate such harm from the breach. We will keep a record of all breaches in accordance with our legal obligations.

12. Your choices with respect to the collection, use and disclosure of your Personal Information

Depending on your country, the products, services or your use of our website, your choices may include the following:

- Cookies Settings and Preferences. You may disable cookies and other tracking technologies through the settings in your browser. While doing so may negatively affect your experience with the use of our website, it will not prevent us from transacting with you.
- E-mail Settings and Preferences. You may sign up for our mailing lists in order to receive promotional and other materials that may be of interest to you. If you no longer wish to receive marketing e-mails from us, you may choose to unsubscribe at any time by clicking on the "unsubscribe" link in our emails.
- Opt-Outs. You may contact us to opt out of anonymization of your Personal Information for data analyses, the use or sharing of your personal information, including for marketing purposes, and/or the provision of your personal information to our business partners for such purposes. Depending on your jurisdiction, anonymization of your Personal Information for data analyses.
- Analytics Tools. You may opt out of the use of your personal information for analytics purposes here: <https://tools.google.com/dlpage/gaoptout>

13. Links to Non-Curation websites:

This website may contain links to other sites and social media providers. Curation cannot and does not guarantee, represent or warrant that the content or information contained in such third-party websites and resources is accurate, legal, non-infringing or inoffensive. Curation does not endorse the content or information of any third-party website or resource and, further, Curation does not warrant that such websites or resources will not contain viruses or other malicious code or will not otherwise affect your computer. By using Curation's website to search for or link to a third-party website, you agree and understand that Curation shall not be responsible or liable, directly or indirectly, for any damages or losses caused or alleged to be caused by or in connection with your use of, or reliance on, Curation. to obtain search results or to link to a third-party website.

- ## 14. Resolving your Privacy Concerns
- Depending on your country, you may have the right or choice to: (i) access your Personal Information; (ii) find out about our collection, use, management or disclosure of Personal Information; or (iii) or any other questions related to this Policy; please contact our Privacy Officer by sending an e-mail to aperlitsh@landec.com, or writing to us at 2811 Air Park Drive Santa Maria, CA 93455. We will investigate all complaints and if a complaint is justified, we will take all reasonable steps to resolve the issue. If we are unable to resolve your concerns to your satisfaction you may contact the relevant Privacy Authorities in your jurisdiction.

15. Changes to this Privacy Policy

We will update this policy from time to time if our practices change or if the law requires changes to it. We will post any Privacy Policy changes on this page, and, if the changes are significant, we will provide a more prominent notice and a summary of the relevant changes at the top of the page. You should review this policy regularly for changes, and can easily see if changes have been made by checking the Effective Date below. If you do not agree to the terms of this Privacy Policy or any other Curation’s policy, agreement, or disclaimer, you should exit the site and cease use of all Curation’s services immediately. Your continued use of the website and services following the posting of any changes to this Policy means you agree to the terms of this Policy as revised.

Appendix A

Privacy Information for California Residents

This Appendix describes how Curation Foods, Inc. and its affiliates and brands, including without limitation, Curation Foods, Eat Smart, O Olive Oil & Vinegar, Yucatan, Cabo Fresh and Breatheway (“we,” “us,” or “our”) collects and uses personal information. This Appendix applies solely to individuals who reside in the State of California (“consumers” or “you”). This Appendix complies with the California Consumer Privacy Act of 2018 (“CCPA”) and any terms defined in the CCPA have the same meaning when used in this Appendix. This Appendix does not apply to personal information outside the scope of the CCPA.

1. What Personal Information We Collect and How We Share It

The below chart lists the categories of personal information that we may collect and have collected in the past 12 months and how we share such information.

Categories of Personal Information	Categories of Services Providers and Third Parties with whom Personal Information is Shared
Identifiers. This may include a real name, alias, address, email address, phone number, Social Security Number, driver’s license number, online identifier, IP address, account username, or other similar identifiers.	Entities that we are required to share with pursuant to law or for legal proceedings; service providers; our affiliates; ad networks; data analytics providers; prospective purchasers of our business; outside auditors and lawyers; and social networks.
Internet and network information. This may include information on your interaction with a website, application, or advertisement, such as browsing history and how you use your account.	Entities that we are required to share with pursuant to law or for legal proceedings; service providers; our affiliates; ad networks; data analytics providers; and social networks.
Device information. This may include the operating system of your device, device identifier, the type of device you are using, or your geolocation information.	Entities that we are required to share with pursuant to law or for legal proceedings; service providers; ad networks; data analytics providers; and social networks.

<p>Order information. This may include information about what you order, shipping, returns, product complaints, or warranties.</p>	<p>Entities that we are required to share with pursuant to law or for legal proceedings; service providers; our affiliates; prospective purchasers of our business; outside auditors, insurers, and lawyers; and social networks.</p>
<p>Payment and credit information. This may include your credit or debit card information, banking information, information about your payment transaction, or other financial information you provide us.</p>	<p>Entities that we are required to share with pursuant to law or for legal proceedings; service providers; and outside auditors and lawyers.</p>
<p>Other information you submit to us. This may include requests or communications you submit to us, including emails, narrative information, documents, images, recipes, ratings, or customer service call recording.</p>	<p>Entities that we are required to share with pursuant to law or for legal proceedings; service providers; our affiliates; prospective purchasers of our business; outside auditors, insurers, and lawyers; and social networks.</p>
<p>Inferences we draw about you. This may include information about your preferences, characteristics, predispositions, behavior, or other trends that help us identify which products you may be interested in.</p>	<p>Service providers; our affiliates; ad networks; data analytics providers; and social networks.</p>

2. *How We Use Personal Information*

We may use personal information in the following ways:

- To provide you with information, products, or services;
- To advertise or market to you;
- To improve our products and services;
- To conduct surveys or research;
- To conduct give aways or contests;
- To secure our websites; or
- For our own legal obligations and business needs.

3. *We Do Not Sell Personal Information for Monetary Purposes*

CCPA defines a “sale” of personal information broadly to include more than exchanges for monetary purposes. A sale can include personal information shared with a third party for “valuable consideration,” or information shared with a third party (even if they are performing services on our behalf) if they are permitted to use the information for their own purposes.

We do not sell your personal information for monetary payment, whatsoever. To ensure we can share our products with you and tailor our advertisements, we do allow some of our advertising partners to use cookies, pixels and other technologies to collect personal information on our website, and this may constitute a "sale" of personal information under CCPA. If you would like to opt out of providing us with personal information through cookies, pixels, and other similar technologies, you may set your browser to refuse some cookies or to alert you when cookies are being sent. Information on deleting or controlling cookies can be found at www.aboutcookies.org.

4. *California Residents' Rights and Choices*

The CCPA provides California residents with specific rights regarding their personal information, described below. Below are your CCPA rights and how to exercise those rights.

a. *Access to Specific Information and Data Portability Rights ("Right to Know")*

You have the right to request that we disclose certain information to you about our collection and use of your personal information over the past 12 months. You could request:

- The categories of personal information we collected about you;
- The categories of sources of the personal information we collected about you;
- Our business or commercial purpose for collecting that personal information;
- The categories of third parties with whom we share that personal information; or
- The specific pieces of personal information we collected about you.

Our employees and employees of our business partners and service providers also do not have a Right to Know.

b. *Deletion Request Rights ("Right to Deletion")*

You have the right to request that we delete some or all of the personal information that we have collected from you and retained, subject to a number of exceptions. We are not required to delete personal information that is: (a) necessary to complete a transaction with you or for warranty or product recalls; (b) used for security purposes, to prevent fraud, to fix errors, or to comply with law; (c) reasonable for us to use for internal purposes given our relationship with you; or (d) compatible with the context in which you provided the information. The list of exceptions above is not exhaustive, and we may also deny a deletion request as otherwise permitted by law.

Our employees and employees of our business partners and service providers also do not have a Right to Deletion.

c. *Exercising Your Rights*

To exercise your rights described above, please submit a verifiable consumer request to us by either:

- Calling us at 1-800-626-2746.

Only you, or a person that you authorize to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child. If you are making a request on behalf of another person, you must provide written legal documentation that you are authorized to act on behalf of that individual.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative; and
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

We may not be able to fulfill your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you. To verify your identity, we may request up to up to three pieces of personal information about you, and we reserve the right to take additional steps as necessary to verify your identity if we have reason to believe a request is fraudulent.

d. Response Timing and Format

We endeavor to respond to a verifiable consumer request within 45 days of its receipt. If we require more time (up to 90 days), we will inform you of the reason and extension period in writing.

Any disclosures we provide will only cover the 12-month period preceding the date we receive your verifiable consumer request. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

e. Non-Discrimination

You have the right to not be discriminated against for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services;
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties;
- Provide you a different level or quality of goods or services; or
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

However, we may offer you certain financial incentives permitted by the CCPA that can result in different prices, rates, or quality levels. Any CCPA-permitted financial incentive we offer will reasonably relate to your personal information's value and contain written terms that describe the program's material aspects. Participation in a financial incentive program requires your prior opt in consent, which you may revoke at any time.

5. Other California Privacy Rights

California's "Shine the Light" law (Civil Code Section § 1798.83) permits users of our Website that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please contact us through the information provided above.

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