

# Percolate

## PRIVACY POLICY

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Last Updated: January 30, 2018

This Percolate Privacy Policy (the **"Policy"**) was developed by Percolate Tea & Coffee Inc. (together with its affiliates, **"Percolate," "we," "us,"** or **"our"**) as an extension of our commitment to combine the highest-quality products and services with the highest level of integrity in dealing with our valued customers, and the companies, businesses, and organizations they represent.

This Privacy Policy describes the information collected through the websites and mobile applications that we provide (respectively, the **"Website"** and the **"App"**; together, the **"Services"**) and how that information is used and shared. Percolate and its suppliers may collect or receive the types of information described below in connection with your access to and use of the Services (together, **"Collected Information"**).

**By accessing or using the Website or by accepting our Terms of Use or any App's End User License Agreement, you ("you") agree that you have read and understand this Privacy Policy and that you consent to the collection, use, and sharing of information as discussed below. If you do not agree with this Privacy Policy, you should not use the Services.**

**This Privacy Policy is incorporated into and made a part of our Terms of Use and each App's End User License Agreement. Percolate may modify this Privacy Policy at any time. All changes will be effective immediately upon posting to the Website or the App and, by accessing or using the Website or the App after changes are posted, you agree to those changes. Your continued use of the Website or the App after any such modification constitutes your acceptance of the updated Privacy Policy. Material changes will be conspicuously posted on the Website or the App or otherwise communicated to you.**

### **1. WE COLLECT PERSONALLY IDENTIFIABLE INFORMATION AND OTHER INFORMATION THAT YOU SUBMIT.**

Percolate obtains information from and about you that you submit in a number of different ways through your use of the Services, including:

**A. Personally Identifiable Information.** You can visit and use the Services without sharing personally identifiable information, but you will be required to provide personally identifiable information in order to use certain features of the Services. We will collect any personally identifiable information from or about you that you voluntarily submit to us through your inputs to or interactions with the Services. For instance, you must provide personally identifiable information to Percolate: if you wish to purchase gift cards, catering services, or other products or services; if you wish to receive or redeem mobile Percolate coupons, newsletters, or other information from Percolate; when you sign up for a Percolate customer account; when you submit a job application; and when you send Percolate email messages or call Percolate by telephone (in which event Percolate may retain the content of your email or telephone messages, together with your email address and Percolate's response to you).

Personally identifiable information is information that identifies you as an individual. The personally identifiable information we collect may include without limitation your name, mailing address, telephone number, email address, and financial information (e.g., your credit card number). If you provide your mobile or other telephone number to us, you consent to receiving text messages from us at that telephone number as described below. We will use your personally identifiable information as described in this Privacy Policy, including to process your catering orders, to communicate with you in connection with your account, and to provide you with information and communications that you request or that we believe are relevant or may be of interest to you, subject to applicable laws and the terms of this Privacy Policy.

**B. Account Information.** To create a Percolate customer account you will need to submit your name, email address, zip code, and telephone number. You may populate your account profile with other types of information that you choose to submit, for example, your preferred Percolate store locations, gender, and dietary and lifestyle attributes.

**C. Payment Information.** Purchases of products or services made using the Services (for example, gift cards) must be made by credit or debit card. All credit and debit card information is provided directly to our PCI-compliant third-party payment processor. Percolate does not directly access, handle, or store your credit or debit card information. To make a purchase via the Services, you will need to submit your name and your credit or debit card type, number, expiration date, security code, and billing address. Payment by credit or debit card is subject to the approval of the card issuer. We will not be liable in any way if a card issuer refuses to accept a credit or debit card for any reason. We will maintain a record of the purchases that you make via the Services.

**D. Gift Card Information.** When you purchase a gift card through the Services you will need to provide your payment card information as discussed above. We will also collect any messages and other information that you may provide when purchasing a Percolate gift card, such as the name and address of the gift card recipient. Gift card purchases are subject to the terms of our gift card provider,

Toast, which are located here. Additionally, you can check the balance of a Percolate gift card on the Services by entering the number of the gift card.

**E. Catering Order Information.** We will collect any information submitted in the course of ordering catering services using the Services, including any comments you may submit.

**F. Sweepstakes.** To participate in any sweepstakes or promotions that Percolate may make available you will need to submit certain information required for entering, which may include additional personally identifiable information. Sweepstakes entries may be tied to your Percolate customer account.

**G. Job Applications.** If you submit a job application through the Website, we will collect your resume and all other materials and information that you provide in the course of submitting that application. That information will be submitted to the provider of our online career portal, Workpop, for evaluation purposes. We encourage you to review Workpop. We may use your job application to evaluate your qualifications and to otherwise consider or respond to your application for employment. Your submission of a job application does not in any way require Percolate to review that application or consider you for employment.

**H. Mailing List Information.** If you agree via the Services or otherwise sign up to receive communications or promotions from us, you will need to submit your email address. We will use this information to send you marketing messages and other Percolate promotional materials, including a “welcome” email and subsequent newsletters and other emails or messages. If you do not wish to receive such messages and materials, you may notify Percolate of your preference by following the instructions included in each communication (e.g., the unsubscribe instructions contained in the applicable email), by emailing Percolate at [info@percolatetea.com](mailto:info@percolatetea.com), or by contacting Percolate at 424-293-0934, or by regular mail at:

Percolate Customer Relations  
11870 Santa Monica Blvd  
Suite 111  
Los Angeles, CA 90025

We may use third-party email providers to deliver these communications to you.

## **2. OTHER INFORMATION WE COLLECT.**

**A. Account Activity.** If you use the Website or App while signed into your Percolate customer account or make purchases at a Percolate store location, we will collect information on how you use your account and the Services, for example, mobile coupons clipped, catering order history, recipes saved, and T-log transaction data (i.e., purchase history).

**B. IP Addresses and Related Data.** The App and the servers used to operate the Website may automatically collect data pertaining to you and the equipment, software, and communication methods you use to access the Internet and the Services. This information includes Internet protocol (“IP”) addresses assigned to

the computer from where you access the Internet, your approximate geographic location, your mobile device ID numbers and identifiers, pages visited on the Website, website pages visited before and after visiting our Website, type of web browser used, type of operating system, the domain name of your Internet service provider (ISP), the length of time you spend on the Services, date and time stamps, and clickstream data. Percolate may use this information to administer the Services, to generate statistical information, to monitor and analyze Service traffic and usage patterns, to monitor and prevent fraud, to investigate complaints and violations of our policies, and to improve Website and App content and the products, services, materials, and other content that we describe or make available through the Website or the App. We may combine this information with personally identifiable information, other Collected Information, and information obtained from third parties for security reasons. The suppliers that we use to provide the Services may collect information about your use of the App and your visits to the Website and other websites.

**C. Cookies.** The Website automatically uses cookies to track website use and to facilitate and enhance the user experience on the Website. Cookies are small pieces of data that are stored by a user's web browser on the hard drive of a user's computer. Cookies can "remember" what information a user accesses on a website to simplify subsequent interactions with that website by the same user, or can use that information to streamline the user's transactions on related websites. The cookies that Percolate uses on the Website may be "session" Cookies that are erased when you leave the Website or may be "persistent" Cookies that remain on your computer's hard drive after you leave the Website. Our Website may use both cookies that we implement and cookies implemented by our suppliers and other third parties.

We use cookies to track how you access and use the Website, to learn when and how users visit the Website, to learn how popular Website pages are and aren't, to learn which search terms are used to find the Website, and to learn which websites direct you to our Website. We also use cookies to help display certain information on our Website and to improve your enjoyment of our Website, for example, by remembering your contact and other information when you access or use our Website. Most browsers automatically accept cookies. You can disable this function, but disabling cookies may impact your use and enjoyment of our Website. Our suppliers may use cookies and other tracking technologies to track website visitors across the Internet to understand how you get to our Website. Due to this automatic collection of data using cookies, we do not honor "do not track" requests.

**D. Location Information.** In addition to the approximate geographic location information collected as discussed above, we may, with your consent, access more specific location information to enhance the user experience and increase the usefulness of the Services. This includes both geographical location information that you input using the Services (e.g., when you enter your zip code or physical address) and geographical location information collected by device-based location services (including GPS data). You may choose to allow us to access your location by

granting the Services access to your location when prompted or through your device's location services settings. Percolate also uses the Google Maps API(s). Pursuant to the [Google Maps APIs Terms of Service](#), use of this location feature is also subject to [Google's Privacy Policy](#). For information on how Google categorizes location information, please visit [Types of location data used by Google](#). Both the [Google Maps APIs Terms of Service](#) and [Google's Privacy Policy](#) are incorporated into these Terms by this reference.

**E. Google Analytics.** The Website uses Google Analytics, an analytics tool provided by Google Inc., to collect and process data about your use of the Website, including when you visit the Website, URLs of the websites that you visit prior to visiting the Website and when you visit those websites, and IP addresses assigned to the devices from where you access the Internet. Google sets and reads cookies to collect this data and your web browser will automatically send data collected by those cookies to Google. Google uses this data to provide us with reports that we will use to improve the Website's structure and content. For more information on how Google uses this data, visit [Google's Privacy Policy](#) and Google's page on [How Google uses data when you use our partners' sites or apps](#). To prevent this data from being used by Google Analytics, follow the instructions to download and install the [Google Analytics Opt-out Browser Add-On](#) for each web browser you use. Using the [Google Analytics Opt-out Browser Add-On](#) will not prevent Percolate from using other analytics tools and will not prevent data from being sent to the Website itself or to Google. You may disable cookies as discussed above, but that may impact your use and enjoyment of the Website.

**F. Google Analytics' Advertising Features.** We have enabled and implemented the following Google Analytics Advertising Features: Remarketing with Google Analytics, Demographics and Interest Reporting, Segments, DoubleClick Campaign Manager Integration, and DoubleClick Bid Manager Integration. Remarketing with Analytics uses Google Analytics cookies to serve advertisements to you across the Internet based on your visit to the Website. Demographics and Interest Reporting uses a third-party cookie to collect information about our Website traffic by tracking users across websites and across time, which generates a report for us to better understand our Website users. Segments allows us to isolate and analyze subsets of Website users by sorting our Google Analytics data. DoubleClick Campaign Manager Integration and DoubleClick Bid Manager Integration allow us to view, analyze, and create remarketing lists using our DoubleClick Campaign data. To opt out of remarketing advertising provided through Google, to customize your ad preferences, or to limit Google's collection or use this information, visit Google's Safety Center and Google's Ad Settings and follow Google's personalized ad opt-out instructions. Opting out will not affect your use of the Website.

**G. Mobile App Analytics.** Our App uses third-party mobile application analytics tools, including Firebase (a Google product), to collect data about your use of our App, which data your device automatically sends to and is stored by those analytics providers. This data includes performance metrics, page views, usage data, and request and response times. Our mobile application analytics providers use this



data to provide Percolate with reports about use of our App. We will use this data to improve the Services. We may implement the following Firebase features on the App: Realtime Database, Crashlytics, Crash Reporting, Cloud Firestore, Authentication, Cloud Functions, Cloud Storage, Hosting, Test Lab for Android, Performance Monitoring, Google Analytics, Cloud Messaging, Predictions, Dynamic Links, Remote Config, Invites, App Indexing, AdMob, and AdWords. For more information on how Google uses data collected via Firebase, visit [Google's Privacy Policy](#) and Google's page on [How Google uses data when you use our partners' sites or apps](#). You can opt out of Firebase features through applicable settings on your device (e.g., device advertising settings).

**H. Advertising Networks, Personalized Advertising, Remarketing, and Retargeting.** From time to time the Services may use or participate in advertising networks and related advertising services that are managed and provided by third-party advertising servers, advertising agencies, technology vendors, and research firms, including advertising retargeting services provided by Facebook (sometimes referred to as the Facebook "tracking pixel") and Google AdWords. These services collect anonymous information about your visits to and interactions with the Services and other websites and will use that information to target advertisements for goods and services. These targeted advertisements may appear on the Services or on other websites. Advertising networks often gather data about consumers who view advertisements to make inferences about a consumer's interests and preferences, which enables their computers to deliver advertisements directly targeted to the consumer's specific interests. This practice is often referred to as "online behavioral advertising." For example, a third-party advertising network might collect the type of Internet browser you use, the type of computer operating system you use, the domain name of a website you visit, whether or not you visit specific pages of the Services and other websites, the location of your Internet service provider, the date and time of a visit to a website and other interactions between you and a website.

If you have a Facebook account but do not wish Facebook to collect data relating to you via our Website or App, we suggest that you:

- (a) hide social media platform plug-ins using an ad blocker;
- (b) always log off completely from Facebook before visiting other websites and delete all related cookies; and,
- (c) where the option is available, disable the advertising services and networks operated by Facebook.

We use Google AdWords, an online advertising service provided by Google, to serve ads on our behalf across the Internet and sometimes on the Website. Google uses your Internet searches, cookies, and similar identifiers (e.g., pixel tags) to collect anonymous information about your visits to the Website and your interaction with our products and services to generate targeted advertisements to you on other websites that you visit across the Internet. To opt out of remarketing advertising provided through Google, to customize your ad preferences, or to limit Google's collection or use this information, visit Google's Safety Center and Google's Ad

Settings and follow Google's personalized ad opt-out instructions. Opting out will not affect your use of the Website.

To change your preferences with respect to certain online ads and to obtain more information about third-party ad networks and online behavioral advertising, please visit the National Advertising Initiative Consumer opt-out page at <http://www.networkadvertising.org/choices> or the Digital Advertising Alliance Self-Regulatory Program at <http://www.aboutads.info>. Please remember that changing your settings with individual browsers or ad networks will not necessarily carry over to other browsers or ad networks. As a result, depending on the opt-outs you request, you may still see our ads from time to time.

**I. Single Sign-On.** You may log into your Percolate customer account on the Website and App and link your Percolate customer account with your Facebook, Twitter, or Google+ accounts by providing your log-in information for those third-party services in the Website or App, as applicable. If you choose to use any single sign-on feature or to link your account with your Facebook, Twitter, or Google+ account(s), Percolate may access, handle, and store any content and other information that you have provided through Facebook, Twitter, or Google+, for example, the URL to your Google+ account profile image. These single sign-on features may require us to implement cookies, plug-ins, and application protocol interfaces (APIs) provided by those social media platforms to facilitate those communications and features. We do not and cannot control any policies or terms of any third-party service, including Facebook, Twitter, and Google+. All information you have provided to Facebook, Twitter, or Google+ is subject to the applicable privacy policy: see Facebook's Data Policy, Twitter's Privacy Policy, and [Google's Privacy Policy](#).

**J. Social Media.** The Services may allow you to connect and share information with various social media platforms, for example, Facebook, Twitter, Pinterest, YouTube, and Google+. These features may require us to implement cookies, plug-ins, and application protocol interfaces (APIs) provided by those social media platforms to facilitate those communications and features. We may share information that you provide us or that we may collect about your use of the Services with those platforms and that information will be subject to their privacy policies. We encourage you to review those platforms' privacy policies: Facebook's Data Policy; Twitter's Privacy Policy; Pinterest's Privacy Policy; and YouTube and [Google's Privacy Policy](#). In addition, by choosing to use any third-party social media platform or choosing to share content or communications with any social media platform, you allow us to share information with the designated social media platform. We cannot control any policies or terms of such third party platform. As a result, we cannot be responsible for any use of your information or content by a third party platform, which you use at your own risk.

The Services may also use the advertising services and networks offered by those social media platforms to deliver advertising content. Use of these services requires social media platforms to implement cookies or pixel tags to deliver ads to you while you are logged into the platform.

If you do not wish a social media platform to collect information relating to you via the Website, we suggest that you:

- (a) hide social media platform plug-ins using an ad blocker;
- (b) always log off completely from the social media platform before visiting other websites and delete all related cookies; and,
- (c) where the option made available by the social media platform, disable the advertising services and networks operated by that platform.

Percolate is active on social media, including Facebook, Instagram, and YouTube. You have the opportunity to comment on those social media platforms regarding Percolate and the products and services we offer. Percolate reserves the rights to post on its websites and social media pages any comments or content that you post on our social media pages.

**K. Embedded Content.** The Services may incorporate content, including feeds scripts embedded in the Services' code as well as visible content (for example, videos), provided by third parties. In some cases, those third parties collect data about how you interact with their content. For example, YouTube may collect or otherwise have access to usage data on videos embedded on the Website as described in YouTube's Privacy Policy.

### 3. PERCOLATE' USE AND DISCLOSURE OF COLLECTED INFORMATION.

In addition to the uses described above, Percolate and its suppliers use and disclose Collected Information as described below. Percolate does not use, sell, rent, or otherwise disclose Collected Information except as stated in this Privacy Policy or as permitted by applicable law.

**A. Demographics and Evaluation and Improvement of the Services.** Percolate uses and discloses Collected Information to understand its Services' demographics and content preferences. For example, Percolate may provide aggregate information about Percolate' customers, sales, Website traffic patterns and related information to Percolate' affiliates and other third parties. We may use Collected Information: to analyze, develop, and improve the content, materials, products, and services that we make available through the Services and the Services' functionality; to inform marketing and communication plans and strategies; to evaluate user needs and customize Service content, promotional emails, and your browsing experience; and for other legitimate and lawful business purposes.

**B. Purpose Collected.** Percolate uses your personally identifiable information and other Collected Information for the purposes for which it was collected, for example: to administer Percolate business activities; to communicate with you in connection with your Percolate customer account or purchases; to provide customer service and make available coupons and other offers, promotions, products and services to you and other Percolate customers and prospective customers; and to provide you with information and communications that you request. Your telephone number will be used to look up your Percolate customer account (e.g., when you redeem mobile coupons at a Percolate store location). Your location information will be used to add location information to your account, if



applicable, to find a Percolate store location near you, and to understand where our users are located. We will use your purchase history, related information, and your profile details (e.g., dietary preferences) to determine which mobile coupons we make available to you. Information submitted by you or otherwise collected in connection with the single sign-on functionality will be used to connect with the applicable social media platform and to enable you to sign in on the Website or App using your existing applicable social media account. If you contact us for support or assistance in using the Website, we may use Collected Information to determine whether or not your system meets the minimum requirements needed to access and use the Website and otherwise to contact you regarding your request.

**C. Communication with You.** Percolate may use and disclose Collected Information to notify you about changes to the Services (for example, changes to this Privacy Policy) or to Percolate' business and, if you sign up to receive promotions from us, new Percolate services, promotions, information and special offers you may find valuable as described above.

**D. Text Messages.** If you opt in to receiving text messages from Percolate when prompted, Percolate will send you a text message that contains a link from which you can download our app. Consenting to receiving text messages is not required to buy goods or services or to otherwise do business with us.

**E. Sharing Collected Information with Our Suppliers.** We may share Collected Information with our Website and App management and hosting suppliers, payment processors, sweepstakes administrators, marketing and public relations service providers, email service suppliers, and other suppliers as necessary for us to provide the Website, the App, and our products and services to you and as may otherwise be permitted by applicable law. Our suppliers are authorized to and may use and disclose Collected Information as necessary for them to provide the applicable services to us.

**F. Business Transactions and the Protection of Rights.** Percolate may use and disclose to third parties Collected Information:

- (a) in connection with the sale, purchase, merger or reorganization of Percolate, in which case all information owned by or in the control of Percolate may be transferred or sold to the successor of the transaction and that successor will be bound by this Privacy Policy as it applies to that information;
- (b) to protect the rights, property or safety of Percolate or other persons, or to comply with a judicial proceeding, court order or legal process served on Percolate (including by disclosing Collected Information to law enforcement), in each case to the extent permitted by law; and
- (c) if we believe doing so is necessary to operate the Services or to protect our rights or the rights of others, including disclosing information necessary to identify, contact, or bring legal action in the event of a violation of our contracts, terms, or policies.

**G. Aggregate Data.** We may aggregate personally identifiable information and other Collected Information to create anonymous aggregate data on Service users,

which describes users as a group but does not reveal the identity of individual users. We may use aggregate data to understand users' needs, to determine user demographics and usage patterns, to determine what kinds of products and services we can provide, and to improve and enrich our products and services.

#### **4. CHILDREN'S PRIVACY.**

The Services are not directed at, nor are they intended for use by, anyone under the age of thirteen (13). Percolate does not knowingly collect or use information from children under thirteen (13) through the Services.

#### **5. ACCESS FROM OUTSIDE THE UNITED STATES.**

If you are visiting or using the Services from outside the United States, please be aware that Collected Information may be transferred to, stored in, and processed in the United States (where our and our suppliers' servers and databases are located and operated). The data protection and related laws and regulations of the United States might not be as comprehensive as those in the country from which you are accessing the Services.

#### **6. INFORMATION SECURITY STANDARDS.**

The security of your personal information is important to Percolate. Percolate does not guarantee that loss, misuse, or alteration of Collected Information will not occur, but we have security measures in place to help protect against the loss, misuse, and alteration of information under our control, including encrypting certain personal information using secure socket layer (SSL) or other technology. If you have any questions about the security of your personal information or the security of the Services, you can send Percolate an email at [info@percolatetea.com](mailto:info@percolatetea.com). The storage and communication of information can never be completely secure, Percolate expressly disclaims any promise or representation, express or implied, as to the security of Collected Information. If you become aware of any breach of Services security or this Privacy Policy, please notify us immediately at [info@percolatetea.com](mailto:info@percolatetea.com) or using our Website's Contact Us form. If our security system is breached, we will notify you of the breach only if and to the extent required under applicable law.

#### **7. ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.**

If you would like to review your personally identifiable information as it exists in our records, please contact Percolate at [info@percolatetea.com](mailto:info@percolatetea.com) or call 424-293-0934. If you need to make changes to, but not purge, your personally identifiable information, you may do so by calling Percolate Customer Service at 424-293-0934, or by mail sent to Percolate Customer Relations, 11870 Santa Monica Blvd, Suite 111, Los Angeles, CA 90025. You hereby agree that Percolate may use and disclose any suggestions, ideas, concepts or information (other than your Personal Information) that you provide to Percolate regarding this Privacy Policy, Percolate' business or any other matter, without obligation to you or any third party.

#### **8. THIRD-PARTY SERVICES.**

You may be able to access certain information related to third parties via the Services, including via hyperlinks, banner ads, or “click-throughs” on the Services, regarding the goods or services of third parties. You understand and agree that your access to or use of that information is a matter entirely between you and the associated third parties, and Percolate will have no liability whatsoever for any such access or use. The Services may contain hyperlinks to, or may be hyperlinked to, websites and applications not maintained or controlled by Percolate, including websites on which Percolate advertises. This Privacy Policy does not apply to any third-party websites or applications or to any information collected at such other websites or applications. Percolate is not responsible for the privacy practices of such other websites and applications and you understand and agree that those privacy practices may be significantly different than those stated in this Privacy Policy. You should read the privacy policy for each website or application that you visit.

## 9. CONTACT US.

If you have any questions or comments about Percolate or this Privacy Policy, you may contact Percolate using our [Website's Contact Us form](#) or at:

Percolate  
11870 Santa Monica Blvd  
Suite 111  
Los Angeles, CA 90025