

PRIVACY POLICY FOR RETAILERS TO USE WITH CONSUMERS

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Protecting consumers private information is our priority. This privacy policy (“**Privacy Policy**”) applies to [Pete’s Fresh Market], and its subsidiaries and affiliates (hereinafter, variously “**Retailer**”, “**we**”, “**us**”, or “**our**”), and our products, services, website, any mobile versions and/or applications related thereto, and any sites Retailer may have now or in the future, including without limitation its software-as-a-service platform that enables us to market and promote our store information, specials, promotions and coupons to consumers (the “**Services**”). This Privacy Policy outlines our principles for collecting, using and protecting information that we maintain about any person whose personal data is being collected, held or processed by us.

By using the Services in any manner, the user indicates to Retailer that it has read and accepts our Privacy Policy and consents to the data practices described in this Privacy Policy. If the user does not accept this Privacy Policy or does not meet or comply with the provisions set forth herein, then the user may not use the Services. We take the privacy of consumer information very seriously, and we will not share personally identifiable information of consumers in ways unrelated to those described in this Privacy Policy without providing the user with an opportunity to opt out of such use or otherwise prohibit such unrelated use. If required by applicable law, we will seek express consent from consumers to process personal data (i) provided by consumers and/or (ii) collected during the consumer’s use of the Services. Any consent shall be entirely voluntary. In the event a user does not provide consent to use or process a consumer’s personal data, then a user may not access and/or use the Services.

INFORMATION WE COLLECT

When a user uses the Services, a user may provide Retailer with two main types of information: (1) personally identifiable information that a user knowingly chooses to disclose, which is collected on an individual basis, and (2) general user information that does not contain personally identifiable information, which is collected on an aggregate basis as a user browses and uses the Services. We collect information from a user when a user (a) uses and/or accesses the Services, (b) registers an account, (c) opens and/or responds to our emails, (d) contacts Retailer, (e) visits any page online that displays our content, (f) makes purchases through the Services, and/or (g) provides information to any of our service providers, customers, partners, and/or other consumers.

Personally-Identifiable Information a User Chooses to Provide

We may ask for certain personal information from a user for the purpose of providing to a user content and/or services that a user requests. We collect personal information such as: (i) personal and/or business contact information (including name, telephone number, email and address, and business website address); (ii) financial information (such as checking account information, credit card number, expiration date, verification number, and billing address); (iii) username and password; (iv) demographic information (including age, birthdate and gender); (v) location information (such as geographic location of the device a user is using); and/or (vi) other business information required for Retailer to provide the Services. Once a user registers for an account, a user has opted in to receive electronic communications from Retailer. Retailer may also provide the user with the opportunity to participate in surveys through the Services. If a user participates, we will request certain personally identifiable information. Participation in surveys is completely voluntary and a user therefore has a choice whether to disclose such information.

Information We Collect Automatically

Cookies: In an effort to be transparent with our data collection practice and the technologies we use to provide the Services, the following explains how we use Cookies. We use Cookies and web log files to improve the website experience and quality of the Services, and to customize the experience, by tracking website usage and trends, conducting research and development for additional services, and determining marketing efforts. A “**Cookie**” is a tiny data file that resides on a computer, mobile phone, or other device, and allows Retailer to recognize consumers when consumers return to our website using the same device and web browser and enables Retailer to collect information about how a user uses our Services. Information gathered through Cookies may include the date and time of visits, the pages viewed, and time spent at using the Service. If a user does not agree to our use of Cookies, the user should set the browser settings accordingly or not use the Services. Retailer uses Cookies and web log files for the following, which may include without limitation (i) to track usage and trends, (ii) to improve the quality of the Services, (iii) to customize the user experience and/or (iv) to compile anonymous, aggregated information that allow us to understand how our Services are used. Cookies are categorized by how long they are stored and their function. The Cookies Retailer uses are as follows:

- Persistent Cookies: Persistent Cookies remain on a visitor’s device for a set period of time specified in the Cookie. They are activated each time that the visitor visits the Services that created that particular Cookie.
- Session Cookies: Session Cookies are temporary and deleted from a computer when a user closes the web browser. They allow Retailer to link the actions of a user while using the Services.
- Strictly Necessary Cookies: Strictly necessary Cookies are essential to navigate around the Services and to use its features.
- Performance Cookies: Performance Cookies collect anonymous data for statistical purposes on how consumers use the Services, they don’t contain personal information and are used to improve the user experience.
- Functionality Cookies: Functionality Cookies allow Retailer to operate the Services in accordance with a consumers’ choices, such as ‘remembering’ a user in between visits.

A user may remove or block Cookies using the settings in the browser, but in some cases that may impact a consumers’ ability to use the Services and/or impact the user experience while using the Services. By accessing or using the Services, user consents to the placement of Cookies on the consumers’ device as described in this Privacy Policy. If a user prefers not to receive Cookies through the Services, the user may control how the browser responds to Cookies by adjusting the privacy and security settings of the web browser.

Device Data: We use device data, which is information concerning a device the user uses to access, use, and/or interact with the Services, such as operating system type and/or mobile device model, browser type, domain, and other system settings, the language the system uses and the country and time zone of the device, geo-location, unique device identifier and/or other device identifier, mobile phone carrier identification, and device software platform and firmware information.

Aggregate: We may collect non-identifying and statistical information about the use of our Services, such as how many visitors visit a specific page, how long they stay on that page and which links, if any, they click on, system configuration information, and/or other interactions with the Services. This information represents a generic overview of our consumers, including their collective habits. Information collected in the aggregate is not associated with the user as an individual.

Analytics: We use analytic software to gather statistics and usage trends for product and service improvement purposes. The Services may record data from a consumer's phone, tablet, or computer such as how frequently the user uses the Services, what actions the user takes and performance data.

Other Tracking Technologies: We may supplement information the user provides to us with information from other sources, such as information to validate and/or update a consumer's address, payment card and/or other demographic information. This information is used to maintain the accuracy of information on our Services and for internal analysis. We may also use clear gifs, pixel tags and web beacons, which are tiny graphic images placed on website pages and/or in our emails that allow us to determine whether the user has performed specific actions and are further used to track online movements of our consumers. In contrast to Cookies, which are stored on a consumer's computer's hard drive, clear gifs are embedded invisibly on web pages. We do not tie the information gathered by clear gifs to a consumer's personally identifiable information.

Third Party Services: To support the services we provide to the user, we may use services hosted by third parties that may use cookies and various tracking technologies and may collect information sent by a browser as part of a web page request, including 'Internet Protocol' addresses, browser software, and/or clickstream patterns. If such third-party services collect information, they do so anonymously without identifying individual visitors. However, we may link the information we record using tracking technology to personal information we collect. In addition, we may allow third parties who list services to use Cookies in connection with the use of the Services. They may collect and store the same type of information and use it similarly to Retailer, as described above. All such third parties are prohibited from using a consumer's personal information except to provide these services to Retailer, and such third parties are required to maintain the confidentiality of a consumer's information. User agrees to release Retailer from any and all liability arising from any unauthorized disclosure of a consumer's personal information due to a third-party services data breach.

HOW WE USE INFORMATION

General Use

We use information collected as described in this Privacy Policy to provide user with the Services and/or information and/or content that the user has requested, and, in some cases, to contact the user about our products, features and/or other services. We also use the information collected to take the following actions:

- operate, maintain and improve the Services;
- answer questions and respond to a consumer's requests;
- perform analytics and conduct research;
- send the user reminders, support and marketing messages;
- manage our administration of the Services;
- improve the design and content of the Services;
- use information for other purposes about which we will notify the user;
- analyze programs, products and services we offer;
- market information or listings a user provide to us;
- contact a user through email, social media, blog or newsletter;
- collect feedback from a user about third-party products and/or services;
- provide tailored ads based on a consumer's information and/or preferences provided while using the Services;
- inform a user about products, events and/or other promotional purposes; and
- use information for other purposes about which we notify a user.

The information collected in the aggregate enables Retailer to better understand a consumer's use of the Services and to enhance a consumer's enjoyment. We may use financial information to enroll a user in one of our subscription plans and/or with respect to other related services in which a user elects to participate. If a user uses the Services, the user agrees to receive certain communications from us including but not limited to the following:

Special Offers, Newsletters and Updates. We will occasionally send a user information on products, special deals, promotions and newsletters. Out of respect for a consumer's privacy, a user may elect not to receive these types of communications by contacting us at customerservice@petesfresh.com.

Customer Service. Based upon the personally identifiable information a user provides us, we will communicate with a user in response to a consumer's inquiries and reviews, to provide the services a user requests and to manage a consumer's account. We will communicate with consumers by email or telephone, as such user may elect. Customers can reach Retailer by email at customerservice@petesfresh.com and/or by phone at [773-843-1400](tel:773-843-1400).

Parties with whom we may share a consumer's information:

Service Providers. We may share a consumer's personally identifiable information as well as information from tools like Cookies, log files, and device identifiers and location data (such as usage data, referring/exit pages and URLs, platform types, number of clicks, etc.), with employees, contractors, and/or agents that help Retailer provide the Services to a user ("**Service Providers**"). Our Service Providers will be given access to a consumer's information as is reasonably necessary to provide the Services. Certain Service Providers will automatically collect non-identifying information about a consumer's use of the Services and Retailer shall not have any liability related thereto.

Compliance with Laws. Retailer will not disclose a consumer's personal information to third parties except as set forth in this Privacy Policy and in the following circumstances: (i) to investigate and defend Retailer members against any third party claims and/or allegations and/or otherwise to protect Retailer from liability, (ii) to investigate, prevent and/or take action regarding suspected and/or actual illegal activities, (iii) to assist government enforcement agencies, respond to a legal process and/or comply with the law, (iv) to exercise or protect the rights, property and/or personal safety of the consumers of the Services and/or (v) to protect the security and/or integrity of the Service.

Business Transfer. If we sell or otherwise transfer part or all of Retailer or our assets to another organization (e.g., in the course of a transaction such as a merger, acquisition, bankruptcy, dissolution, liquidation, etc.), a consumer's information such as name and email address, user content and/or any other information collected through the Services may be among the items sold and/or transferred.

INFORMATION CHOICES

User Information Choices

We respect user privacy and give consumers an opportunity to opt out of receiving announcements of certain information. Although we think that consumers will benefit from a more personalized experience when we know more about the user and what the user likes, the user can limit the information the user provides to Retailer, and the user can limit the communications that Retailer sends to the user. If the user visits the Services and volunteers personally identifiable information,

the user can opt out of receiving notifications, and the user may review, modify, update, and/or delete such personally identifiable information by contacting and/or by changing the user preferences on the Service. Please be aware that even after a user requests a change and it is processed, Retailer may, for a time, retain residual information about such user in its backup and/or archival copies of its database, and reserves the right to access and utilize collected user data in the future. Please be aware that we may still email consumers non-commercial emails related to a consumer's account and a consumer's transactions through the Services. Following termination and/or deactivation of a consumer's account, Retailer may retain collected information and data (including without limitation a consumer's profile information) for a commercially reasonable time for backup, archival, and/or audit purposes, and reserves the right to access and utilize collected user data in the future. In some cases, if a user chooses not to provide Retailer with requested information, a user may not be able to use and/or access all of the Services.

California Privacy Rights

Under California Consumer Privacy Act ("CCPA"), California residents are entitled to receive the right to access and obtain a copy of a consumer's personal information. A user may write us and ask for records of any and all personal information. The CCPA requires businesses to disclose (1) the categories of personal information the business collected about individuals, (2) the categories of sources from which personal information is collected, (3) the business or commercial purpose for collecting or selling personal information, (4) the categories of third parties with whom the business shares personal information, and (5) the specific pieces of personal information the business has collected about the individual. To obtain such information from Retailer, please email a consumer's request to customerservice@petesfresh.com and we will provide a list of categories of personal information disclosed within thirty (30) days of receiving such a request. This request may be made no more than once per calendar year. We reserve the right not to respond to requests submitted in ways other than those specified above. The following exceptions may prevail with respect to fulfillment of data access requests: (a) Retailer may not provide personal data to an individual, if management determines that we cannot identify the individual in our systems because the data we have has been de-identified to the extent that identification is not possible; and/or (b) Retailer may not provide personal data to an individual, if the individual is involved in a civil or criminal proceeding with Retailer.

SERVICE ELIGIBILITY AND CHANGES

Children and Minors. The Children's Online Privacy Protection Act ("COPPA") requires that online service providers get parental consent before they knowingly collect personally identifiable information online from children under the age of thirteen (13). Retailer does not knowingly collect personally identifiable information from children under the age of thirteen (13). User represents and warrants that user is at least thirteen (13) years of age, provided that if a user is under eighteen (18) years of age, a consumer's use of the Services is subject to requirements of parental consent. We may, in our sole discretion, refuse to offer the Services to any person and/or entity and change eligibility criteria at any time. If we learn that we have collected personal information from a child under age thirteen (13), we will delete such information as quickly as possible. If a user believes that a child under the age of thirteen (13) may have provided us personal information, please contact us at customerservice@petesfresh.com.

Changes to Privacy Policy. In general, changes will be made to this Privacy Policy to address new or modified laws and/or new or modified business procedures. However, we may update this Privacy Policy at any time, with or without advance notice, so please review it periodically. We will update the 'Last Modified' date above and may provide additional forms of notice of modifications and/or updates as appropriate under the circumstances. A user can determine when this Privacy Policy was last revised by referring to the date it was 'Last Modified' above. A

consumer's continued use of the Services after any modification to this Privacy Policy will constitute a consumer's acceptance of such modifications and/or updates.

SECURITY

We work hard to secure a consumer's personal information from unauthorized access to and/or unauthorized alteration, disclosure and/or destruction of information we hold. Retailer has adopted appropriate physical, electronic and managerial procedures to safeguard and secure the personal information we process. We follow generally accepted industry standards to protect the personal information submitted to us, both during transmission and once we receive it. A consumer's account is protected by password for a consumer's privacy and security. We periodically review our information collection, storage and processing practices, including physical security measures, to guard against unauthorized access to systems. When a consumer's bank account information is transmitted via the Services, it will be protected by encryption technology. Because the internet is not a completely secure environment, Retailer cannot warrant the security of any information a user transmits to Retailer or guarantee that information on the Services may not be accessed, disclosed, altered, and/or destroyed by breach of any of our physical, technical and/or managerial safeguards. User is responsible for maintaining the secrecy of a consumer's unique password and account information, and for controlling access to emails between a user and Retailer, at all times. Users should limit access to its computer and/or mobile device and/or browser and sign off after a user has finished accessing its account. We are not responsible for the functionality, privacy and/or security measures of any other organization and are not responsible for the practices employed by any websites and/or services linked to and/or from the Services, including the information and/or content contained therein.

DATA RETENTION

We will retain a consumer's personal data for as long as necessary to fulfill the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorized use and/or disclosure of a consumer's personal data, the purposes for which we process a consumer's personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. In some circumstances we may anonymize a consumer's personal data (so that it can no longer be associated with a user) for research or statistical purposes in which case we may use this information indefinitely without further notice to a user. We may retain information (including without limitation a consumer's personally identifiable information) for a commercially reasonable time for backup, archival, audit purposes, and/or to comply with legal obligations, resolve disputes and enforce agreements. In some cases, if a user chooses not to provide Retailer with requested information, a user may not be able to use and/or access all of the Services. User can request further details of retention periods for different aspects of a consumer's personal data by contacting us.

DATA TRANSFERS

Please be aware that the Services are subject to United States laws, including those governing privacy and security of a consumer's information. By using the Services, a user agrees and consents (and represent that the user has the authority to provide such consent) to the information collection, use and sharing practices described in this Privacy Policy and understand that the laws of the United States and other countries and territories related to the foregoing may differ from those of other countries and may not be as protective as the laws in the country where the user resides. Regardless of the laws in place in such countries, we will treat the privacy of a consumer's information in accordance with this Privacy Policy.

CONSENT TO ELECTRONIC COMMUNICATIONS AND SMS

By using the Services, the user consents to receiving certain recurring electronic communications from us as further described in this Privacy Policy. The consumer agrees that any referrals, notices, agreements, disclosures, or other communications that we send to the consumer electronically will satisfy any legal communication requirements, including that those communications be in writing. We will send recurring 'SMS' messages to the consumer via 'SMS' in accordance with this Section.

The consumer may receive an 'SMS' from Retailer in relation to use of the E-commerce Services, Website and/or Mobile Application with respect to orders, promotions and/or deliveries. A consumer can stop receiving 'SMS' messages at any time by replying 'STOP' to the message.

We are able to deliver messages to the following mobile phone carriers:

- Major carriers: AT&T, Verizon Wireless, Sprint, T-Mobile, U.S. Cellular, Alltel, Boost Mobile, Nextel, and Virgin Mobile.
- Minor carriers: Alaska Communications Systems (ACS), Appalachian Wireless (EKN), Bluegrass Cellular, Cellular One of East Central IL (ECIT), Cellular One of Northeast Pennsylvania, Cincinnati Bell Wireless, Cricket, Coral Wireless (Mobi PCS), COX, Cross, Element Mobile (Flat Wireless), Epic Touch (Elkhart Telephone), GCI, Golden State, Hawkeye (Chat Mobility), Hawkeye (NW Missouri), Illinois Valley Cellular, Inland Cellular, iWireless (Iowa Wireless), Keystone Wireless (Immix Wireless/PC Man), Mosaic (Consolidated or CTC Telecom), Nex-Tech Wireless, NTelos, Panhandle Communications, Pioneer, Plateau (Texas RSA 3 Ltd), Revol, RINA, Simmetry (TMP Corporation), Thumb Cellular, Union Wireless, United Wireless, Viaero Wireless, and West Central (WCC or 5 Star Wireless).

As always, message and data rates may apply for any messages sent to the consumer from us and to us from the consumer. Message frequency depends on the consumer's interaction. The consumer should contact its wireless provider with any questions. Please keep all information accurate and up-to-date. For all further questions about the electronic communications and 'SMS', please send an email to customerservice@petesfresh.com.

LANGUAGE

The governing language of this Privacy Policy is English, which shall prevail over any other languages used in any translated document.

HOW TO CONTACT US

Please email us at customerservice@petesfresh.com or contact us by phone at [773-843-1400](tel:773-843-1400). If with any questions and/or comments about this Privacy Policy. Because email communication is not always secure, please do not include credit card or other sensitive personal information in any correspondence to us.