

WEBSITE PRIVACY POLICY

Last modified: 8/12/2020

Introduction

Baucom's Nursery Company d/b/a Plants Direct to You ("**Company**" or "**We**") respects your privacy and We are committed to protecting it through our compliance with this policy.

This policy describes the types of information we may collect from you or that you may provide when you visit the website www.plantsdirecttoyou.com (our "**Site**") and our practices for collecting, using, maintaining, protecting, and disclosing that information.

This policy applies to information we collect in this Site and in email, text, and other electronic communications sent through or in connection with this Site.

This policy DOES NOT apply to information that:

- We collect offline or through any other means, including on any other website operated by Company or any third party (including our affiliates and subsidiaries); or
- Any third party (including our affiliates and subsidiaries), including through any application or content (including advertising) that may link to or be accessible from or on the Site.

Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our Site. By accessing or using this Site, you agree to this privacy policy. This policy may change from time to time (see Changes to Our Privacy Policy). Your continued use of this Site after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

Persons Under the Age of 18

Our Site is not intended for persons under 18 years of age. No one under age 18 may provide any personal information to or on the Site. We do not knowingly collect personal information from persons under 18. If you are under 18, do not use or provide any information on this Site or through any of its features, register on the Site, make any purchases through the Site, or provide any information about yourself to us, including your name, address, telephone number, email address, or any screen name or user name you may use. If we learn we have collected or received personal information from a person under 18 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a person under 18, please contact us at sales@plantsdirecttoyou.com.

California residents may have additional rights regarding the collection and sale of their personal information. Please see Your California Privacy Rights for more information.

Information We Collect About You and How We Collect It

We collect several types of information from and about users of our Site, including information:

- By which you may be personally identified, such as name, postal address, e-mail address, telephone number, or ANY OTHER PERSONAL INFORMATION THE SITE COLLECTS THAT IS DEFINED AS PERSONAL OR PERSONALLY IDENTIFIABLE INFORMATION UNDER ANY APPLICABLE LAW ("**personal information**");
- That is about you but individually does not identify you, such as products you are interested in purchasing; and/or
- About your internet connection, the equipment you use to access our Site, and usage details.

We collect this information:

- Directly from you when you provide it to us.

- Automatically as you navigate through the Site. Information collected automatically may include usage details, IP addresses, and information collected through cookies, web beacons, and other tracking technologies.
- From third parties, for example, our business partners.

Information You Provide to Us

The information we collect on or through our Site may include:

- Information that you provide by filling in forms on our Site. This includes information provided at the time of registering to use our Site or purchasing products on our Site. We may also ask you for information when you enter a contest or promotion sponsored by us, and when you report a problem with our Site.
- Records and copies of your correspondence (including email addresses), if you contact us.
- Your responses to surveys that we might ask you to complete for research purposes.
- Details of transactions you carry out through our Site and of the fulfillment of your orders. You may be required to provide financial information before placing an order through our Site.
- Your search queries on the Site.

You also may provide information to be published or displayed (hereinafter, “**posted**”) on public areas of the Site, or transmitted to other users of the Site or third parties (collectively, “**User Contributions**”). Your User Contributions are posted on and transmitted to others at your own risk. Although you may set certain privacy settings for such information by logging into your account profile, please be aware that no security measures are perfect or impenetrable. Additionally, we cannot control the actions of other users of the Site with whom you may choose to share your User Contributions. Therefore, we cannot and do not guarantee that your User Contributions will not be viewed by unauthorized persons.

Information We Collect Through Automatic Data Collection Technologies

As you navigate through and interact with our Site, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions, and patterns, including:

- Details of your visits to our Site, including traffic data, location data, logs, and other communication data and the resources that you access and use on the Site.
- Information about your computer and internet connection, including your IP address, operating system, and browser type.

The information we collect automatically may include personal information. It helps us to improve our Site and to deliver a better and more personalized service, including by enabling us to:

- Estimate our audience size and usage patterns.
- Store information about your preferences, allowing us to customize our Site according to your individual interests.
- Market our products, optimize such marketing to be more relevant to you, and measure and analyze the effectiveness of our marketing and promotions.
- Speed up your searches.
- Recognize you when you return to our Site.

The technologies we use for this automatic data collection may include:

- **Cookies (or browser cookies).** A cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting you may be unable to access certain parts of our Site. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Site.

- **Flash Cookies.** Certain features of our Site may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from, and on our Site. Flash cookies are not managed by the same browser settings as are used for browser cookies. For information about managing your privacy and security settings for Flash cookies, see Choices About How We Use and Disclosure Your Information.
- **Web Beacons.** Pages of the Site and our e-mails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit the Company, for example, to count users who have visited those pages or opened an email and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).

Third-Party Use of Cookies and Other Tracking Technologies

Some content or applications, including advertisements, on the Site are served by third-parties, including advertisers, ad networks and servers, content providers, and application providers. These third parties may use cookies alone or in conjunction with web beacons or other tracking technologies to collect information about you when you use our website. The information they collect may be associated with your personal information or they may collect information, including personal information, about your online activities over time and across different websites and other online services. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content.

We do not control these third parties' tracking technologies or how they may be used. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly. For information about how you can opt out of receiving targeted advertising from many providers, see Choices About How We Use and Disclosure Your Information.

How We Use Your Information

We use information that we collect about you or that you provide to us, including any personal information:

- To present our Site and its contents to you.
- To provide you with information, products, or services that you request from us.
- To fulfill any other purpose for which you provide it.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
- To notify you about changes to our Site or any products or services we offer or provide though it.
- In any other way we may describe when you provide the information.
- For any other purpose with your consent.

We may also use your information to contact you about products that may be of interest to you. If you do not want us to use your information in this way, please adjust your user preferences in your account profile. For more information, see Choices About How We Use and Disclose Your Information.

We may use the information we have collected from you to enable us to display advertisements to our advertisers' target audiences. Even though we do not disclose your personal information for these purposes without your consent, if you click on or otherwise interact with an advertisement, the advertiser may assume that you meet its target criteria.

Disclosure of Your Information

We do not sell your information, except to the extent our sharing of data for online advertising constitutes a “sale” of information under applicable law. We may disclose aggregated information about our users without restriction.

In addition, we may disclose personal information that we collect or you provide:

- To our subsidiaries and affiliates in furtherance of the activities described in this policy, in which case we will require such subsidiaries and affiliates to honor this policy.

- To contractors, service providers, and other third parties we use to support our business and who are bound by contractual obligations to keep personal information confidential and use it only for the purposes for which we disclose it to them.
- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of the Company's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by the Company about our Site users is among the assets transferred.
- To fulfill the purpose for which you provide it. For example, if you give us an email address to use the "email a friend" feature of our Site, we will transmit the contents of that email and your email address to the recipients.
- For any other purpose disclosed by us when you provide the information.
- With your consent.
- To comply with a court order, law, or legal process, including to respond to any government or regulatory request.
- To enforce our rights arising from any contracts entered into between you and us, including this privacy policy, the Site's terms of use, the Site's Terms and Conditions, and for billing and collection.
- If we believe disclosure is necessary or appropriate to protect the rights, property or safety of the Company, our customers or others. This includes exchanging information with other companies and organizations for the purpose of fraud protection and credit risk reduction.
- On any other legal basis under applicable law.

Choices About How We Use and Disclose Your Information

We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

- **Tracking Technologies and Advertising.** You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. To learn how you can manage your Flash cookie settings, visit the Flash player settings page on Adobe's website. If you disable or refuse cookies, please note that some parts of this site may then be inaccessible or not function properly.
- **Disclosure of Your Information for Third-Party Advertising.** If you do not want us to share your personal information with unaffiliated or non-agent third parties for promotional purposes, you can opt-out by contacting us at the email address listed in Contact Information or via any other opt-out method we may make available from time to time.
- **Promotional Offers from the Company.** If you do not want us to use your information to promote products or services, you can opt out by contacting us at email address listed in Contact Information or via any other opt-out method we may make available from time to time. This opt-out does not apply to information provided by the Company as a result of product purchase, warranty registration, product service experience or other transactions.
- **Targeted Advertising.** If you do not want us to use the information that we collect or that you provide to deliver advertisements according to our advertisers' target-audience preferences, you can opt out by contacting us at the email address listed in Contact Information or via any other opt-out method we may make available from time to time.

We do not control third parties' collection or use of your information to serve interest-based advertising. However, these third parties may provide you with ways to choose not to have your information collected or used in this way. You can opt out of receiving targeted ads from members of the Network Advertising Initiative ("NAI") on the NAI's website.

California residents may have additional personal information rights and choices. Please see Your California Privacy Rights for more information.

Accessing and Correcting Your Information

You can review and change your personal information by logging into the Site and visiting your account profile page.

You may also send us an email at sales@plantsdirecttoyou.com to request access to, correct or delete any personal information that you have provided to us. We cannot delete your personal information except by also deleting your user account. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

If you delete your User Contributions from the Site, copies of your User Contributions may remain viewable in cached and archived pages, or might have been copied or stored by other Site users. Proper access and use of information provided on the Site, including User Contributions, is governed by our terms of use.

California residents may have additional personal information rights and choices. Please see Your California Privacy Rights for more information.

Your California Privacy Rights

If you are a California resident, California law may provide you with additional rights regarding our use of your personal information. To learn more about your California privacy rights, please see California Consumer Protection Act Privacy Notice and California's "Shine the Light" Law Disclosure below.

California's "Shine the Light" law (Civil Code Section § 1798.83) permits users of our App 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 send an email to sales@plantsdirecttoyou.com.

Data Security

We have implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration, and disclosure. All information you provide to us is stored on our secure servers behind firewalls. Any payment transactions will be encrypted.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Site, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. We urge you to be careful about giving out information in public areas of the Site like message boards. The information you share in public areas may be viewed by any user of the Site.

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our Site. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Site.

Changes to Our Privacy Policy

It is our policy to post any changes we make to our privacy policy on this page with a notice that the privacy policy has been updated on the Site home page. If we make material changes to how we treat our users' personal information, we will notify you by email to the email address specified in your account and/or through a notice on the Site home page. The date the privacy policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable email address for you, and for periodically visiting our Site and this privacy policy to check for any changes.

Contact Information

To ask questions or comment about this privacy policy and our privacy practices, contact us at sales@plantsdirecttoyou.com.