

Privacy Policy

Last Revised: May 23, 2019

Vacares, LLC, a Texas limited liability company (“**Vacares**” or “**We**”), respects your privacy and is committed to protecting it through our compliance with the practices described in this privacy policy.

This policy describes our practices for collecting, using, maintaining, protecting, and disclosing the personal data we may collect from you or that you may provide when you visit our websites located at www.vacares.com, billing.vacares.com, or support.vacares.com (collectively, our “**Website**”). This policy applies to the personal data collected by us through our Website (including in email, text, and other electronic messages between you and our Website), offline, or through any other means, regardless of the country where you are located. This policy does not apply to personal data collected by any third party (including our affiliates and subsidiaries), including through any application or content that may link to or be accessible from or on our Website.

Our Website may include links to third-party websites, plug-ins, services, social networks, or applications. Clicking on those links or enabling those connections may allow the third party to collect or share data about you. We do not control these third-party websites, and we encourage you to read the privacy policy of every website you visit.

Please read this policy carefully to understand our policies and practices for processing and storing your personal data. By engaging with our Website, you accept and consent to the practices described in this policy. This policy may change from time to time (see [Changes to our privacy policy](#)). Your continued engaging with our Website after any such revisions indicates that you accept and consent to them, so please check the policy periodically for updates.

1. Data we may collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store, and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, last name, username or similar identifier, gender, and date of birth.
- **Contact Data** includes billing address, email address, and telephone numbers.
- **Financial Data** includes payment card details.
- **Transaction Data** includes details about payments from you and other details of products and services you have purchased from us.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access our Website.

- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback, and survey responses.
- **Usage Data** includes information about how you use our Website.
- **Third-Party Login Data** includes username and password to third-party websites or services for troubleshooting purposes.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use, and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy policy.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). Nor do we collect any information about criminal convictions and offenses.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us, but we will notify you if this is the case at the time.

2. How we collect data about you

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us information about you by filling in forms or by corresponding with us by phone, email, or otherwise. This includes information you provide when you create an account; subscribe to our service; search for a product; place an order; request support or open a support ticket; request marketing to be sent to you; request information about our products or services; enter a competition, promotion, or survey; give us feedback; and when you report a problem with the Website.
- **Automated technologies or interactions.** As you interact with our Website, we may automatically collect technical data about your equipment, browsing actions and patterns as specified above. We collect this information by using cookies, server logs, and other similar technologies (see [Cookies and automatic data collection technologies](#)).
- **Third parties or publicly available sources.** We may receive information about you if you visit other websites employing our cookies or from third parties including, for example, business

partners; subcontractors in technical, payment, and delivery services; advertising networks; analytics providers; search information providers; credit reference agencies; data brokers; or data aggregators.

- **User contributions.** You also may provide information for us to publish or display (“**post**”) on public Website areas or transmit to other Website users or third parties (collectively, “**User Contributions**”). You submit User Contributions for posting and transmission to others at your own risk. Although we may limit access to certain pages, please be aware that no security measures are perfect or impenetrable. Additionally, we cannot control the actions of any Website users with whom you choose to share your User Contributions. Therefore, we cannot and do not guarantee that unauthorized persons will not view your User Contributions.

Cookies and automatic data collection technologies

Our Website uses cookies (small files placed on your device) or other automatic data collection technologies to distinguish you from other Website users. This helps us deliver a better and more personalized service when you browse our Website. It also allows us to improve our Website by enabling us to:

- Estimate our audience size and usage patterns.
- Store your preferences so we may customize our Website according to your individual interests.
- Speed up your searches.
- Recognize you when you return to our Website.

You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting, certain parts of our Website may become inaccessible and certain features may not work correctly. Unless you adjust your browser settings to refuse cookies, our system will issue them.

Our Website pages and emails may contain web beacons (small transparent embedded images or objects, also known as clear gifs, pixel tags, and single-pixel gifs) that permits us, for example, to count website page visitors or email readers, or to compile other similar statistics such as recording Website content popularity or verifying system and server integrity.

Third-party use of cookies and other tracking technologies

Some content or applications on the Website are served by third parties, including 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. They may associate the information collected with your personal data or they may collect information, including personal data, about your online activities over time and across different websites or other online services. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content.

We do not control how these third-party tracking technologies operate or how they may use the collected data. If you have any questions about an application or other targeted content, you should

contact the responsible provider directly.

3. How we use your personal data

We use your personal data to provide you products, offer you services and support, communicate with you, deliver marketing, or to conduct other business operations, such as using data to improve and personalize your experiences. Examples of how we may use the personal data we collect include to:

- Present our Website (*the legal basis for processing is our legitimate interest, more specifically our economic interest in offering you products and services*).
- Provide support or to carry out the services that you have requested or authorized (*the legal basis for processing is performance of the contract between you and Vacares*).
- Troubleshoot your issue and provide you with more effective customer service (*the legal basis for processing is performance of the contract between you and Vacares*).
- Meet our obligations and enforce our rights arising from any contracts with you, including for billing and collection purposes such as processing payments for products or services you have purchased from us, or to comply with legal requirements (*the legal basis for processing is performance of the contract between you and Vacares, or our legitimate interest, more specifically our economic interest in recovering debts due to us*).
- Distribute alerts concerning product upgrades, special offers, white papers, updated information about existing and new products and services from Vacares, and to measure the effectiveness of these communications (*the legal basis for processing is performance of the contract between you and Vacares, or our legitimate interest, more specifically our economic interest in making you personalized offers*).
- Provide you with the information, products, services, and support that you request from us (*the legal basis for processing is either performance of the contract between you and Vacares, or our legitimate interest, more specifically our economic interest in offering you products and services*).
- Administer our Website and conduct internal operations, including for troubleshooting, data analysis, testing, research, statistical, and survey purposes (*the legal basis for processing is either to comply with a legal obligation or our legitimate interests, more specifically our interest in running our business, provision of administration and IT services, network security, to prevent fraud, and in the context of a business reorganization or group restructuring exercise*).
- Improve our Website, products or services, marketing, or customer relationships and experiences (*the legal basis for processing is our legitimate interests, more specifically our economic interest in defining types of customers for our products and services, keeping our Website updated and relevant, developing our business, and informing our marketing strategy*).
- Protect our Website, employees, or operations (*the legal basis for processing is to comply with a legal obligation, or our legitimate interests, more specifically our legal or economic interest in protecting our Website, employees, and operations*).
- Make suggestions and recommendations to you and other users of our Website about goods or

services that may interest you or them (*the legal basis for processing is our legitimate interests, more specifically our economic interest to develop our products and services and grow our business*).

For purposes of the above:

- **Legitimate interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.
- **Performance of contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.
- **Comply with a legal obligation** means processing your personal data where it is necessary for compliance with a legal obligation that we are subject to.

If you reside in the European Economic Area (EEA) or the United Kingdom (UK), the legal bases we rely on to process your personal data are set out above, including what our legitimate interests are where appropriate. Additionally, we will only use your personal data for the purposes for which we collected, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us at privacy@vacares.com. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

We may use nonpersonal data for any business purpose.

4. Disclosure of your personal data

We may share your personal data with:

- Any member of our corporate group, which means our subsidiaries, our ultimate holding company and its subsidiaries, and affiliates.
- Business partners, suppliers, service providers, subcontractors, and other third parties we use to support our business (such as payment gateways to process your payments and analytics and search engine providers that assist us with Website improvement and optimization). We contractually require these third parties to keep that personal data confidential and use it only for the contracted purposes.
- Credit reference agencies when required to assess your credit score before entering into a contract with you.

We may also disclose your personal data to third parties:

- If we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of that business or those assets.
- To a buyer or other successor in the event of merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, where one of the transferred assets is the personal data we hold.
- To comply with any court order, law, or legal process, including responding to any government or regulatory request. If you submit a copyright infringement notice under the Digital Millennium Copyright Act (DMCA), we forward DMCA infringement notices (including any personal data contained in the notices) to the person or entity who stored, transmitted, or linked to the content addressed by your notice as submitted without any deletions.
- To enforce or apply our Terms-of-Service Agreement and other Policies.
- To protect the rights, property, or safety of our business, our employees, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of cybersecurity, fraud protection, and credit risk reduction.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

We may share nonpersonal data without restriction.

5. Cross-border data transfers

We are based in the United States of America. For operational reasons we may process, store, and transfer the personal data we collect, in and to a country outside your own, with different privacy laws that may or may not be as comprehensive as your own.

Where we do so, and where we are required to under local law, we will put in place appropriate mechanisms to ensure that your personal data receives an adequate level of protection where it is processed.

If you are a Canadian resident or otherwise located in Canada, please note that personal data transfers outside of Canada may result in your data becoming accessible to a foreign jurisdiction's law enforcement or other authorities.

If you are an EEA, Switzerland, or UK resident or otherwise located in the EEA, Switzerland, or UK, please note that your information will be transferred outside of the EEA, Switzerland, or UK, including to the United States, so processing of your personal data will involve a transfer of data outside your country of residence.

Please note that we have elected to **not** participate in the EU–US Privacy Shield at this time.

Nevertheless, whenever we transfer your personal data out of the EEA or UK, we will use reasonable efforts to ensure a similar degree of protection is afforded to it by ensuring that the recipient third party agrees to appropriate safeguards.

Except for data subjects located in the EEA, Switzerland, or UK, by submitting your personal data or engaging with our Website, you consent to our transfer, storing, or processing.

6. Your personal data use choices

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We have established the following personal data control mechanisms:

- **Promotional offers from us.** We may use your Identity, Contact, Technical, Usage, and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services, and offers may be relevant for you (we call this marketing). You will receive marketing communications from us if you have requested information from us or purchased goods or services from us and you have not opted out of receiving that marketing.
- **Third-party marketing.** We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.
- **Opting out.** You can ask us or third parties to stop sending you marketing messages at any time (1) by logging into the Website and checking or unchecking relevant boxes to adjust your marketing preferences, (2) by following the opt-out links on any marketing messages sent to you, or (3) by contacting us at any time. Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a product/service purchase, product/service experience, or other transactions.
- **Cookies.** You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this Website may become inaccessible or not function properly.

Our Website may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates, or plug-ins enabling third-party features. If you follow a link to any third-party website or engage a third-party plug-in, please note that these third parties have their own privacy policies and we do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these third parties.

7. Accessing and correcting your personal data

You can access, review, and change your personal data by logging into the Website and visiting your account profile page.

You may also send us an email at privacy@vacares.com to request access to, correct, or delete any personal data that you have provided to us. In some cases, we cannot delete your personal data except by also deleting your user account. We will not accommodate a request to change information if we believe the change would violate any law or legal requirement or negatively affect the information's accuracy.

If you delete your User Contributions, copies of your User Contributions may remain viewable in cached and archived pages or might have been copied or stored by other users.

8. Data security

The security of your personal data is very important to us. We use physical, electronic, and administrative safeguards designed to protect your personal data from loss, misuse, and unauthorized access, use, alteration, or disclosure. We store all personal data you provide to us behind firewalls on servers employing security protections. We encrypt any payment transactions using SSL technology.

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 Website, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. We urge you to take care when providing information in public areas of the Website, which any Website visitor can view.

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

9. Data retention

How long will you use my personal data for?

We will only retain your personal data for as long as reasonably necessary to fulfill the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting, or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

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 or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting, or other requirements.

By law we have to keep basic information about our customers (including Contact, Identity, Financial, and Transaction Data) for seven years after they cease being customers for tax purposes.

In some circumstances you can ask us to delete your data: see [Accessing and correcting your personal data](#) above or [Request erasure](#) below for further information.

In some circumstances we will anonymize your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

10. Children's online privacy

We do not direct our Website to minors and we do not knowingly collect personal data from children under 13 or as defined by local legal requirements. If we learn we have mistakenly or unintentionally

collected or received personal data from a child under 13 without appropriate consent, we will delete it. If you believe we mistakenly or unintentionally collected information from or about a child under 13, please contact us at privacy@vacares.com.

11. Do Not Track Policy

Do Not Track (“DNT”) is a privacy preference that you can set in your browser. DNT is a way for you to inform websites and services that you do not want certain information about your webpage visits collected over time and across websites or online services. We are committed to providing you with meaningful choices about the information we collect and that is why we provide you the ability to opt out. But we do not recognize or respond to any DNT signals as the Internet industry works toward defining exactly what DNT means, what it means to comply with DNT, and a common approach to responding to DNT. For more information about DNT, you can visit www.allaboutdnt.com.

12. Your California privacy rights

If you are a California resident, you are granted specific rights regarding access to your personal data. California Civil Code Section 1798.83, also known as the “Shine The Light” law, permits our users who are California residents to request and obtain from us, once a year and free of charge, information about categories of personal information (if any) we disclosed to third parties for direct marketing purposes and the name and addresses of all third parties with which we shared personal data in the immediately preceding calendar year. If you are a California resident and would like to make such a request, please submit your request in writing to us at privacy@vacares.com. Further, if you are a California resident and would like to opt out from the disclosure of your personal data to any third party for direct marketing purposes, please send an email to privacy@vacares.com. If you opt out from permitting your personal data to be shared, you may still receive selected offers directly from us in accordance with California law.

13. Your Canadian privacy rights

We comply with Canadian Federal and Provincial privacy laws and regulations, including the Personal Information Protection and Electronic Documents Act.

We will only use your personal information for the purposes intended and as detailed in this policy unless we have obtained your consent to use it for other purposes.

Residents of Canada are notified that the personal data they provide to Vacares is stored in its databases outside of Canada, including in the United States, and may be subject to disclosure to authorized law enforcement or government agencies in response to lawful demand under the laws of that country.

You may withdraw your consent to our personal data collection, use, or disclosure, subject to legal and contractual restrictions.

You have the right to complain about our personal data handling practices.

If you need to contact us about your personal data or believe that we have violated your privacy rights, please contact us at privacy@vacares.com. You may visit www.priv.gc.ca for more information about your privacy rights.

14. Your EEA/UK legal rights

If you reside in the EEA or UK, under certain circumstances, you have rights under data protection laws in relation to your personal data. Your rights may include the following:

- **Request access** to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully, or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction of processing** your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data’s accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise, or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us at privacy@vacares.com.

No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive, or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

Right to file a complaint

If you reside within the EEA, you have the right to make a complaint at any time to the appropriate supervisory authority for your country of residence. See <http://ec.europa.eu> for these details. If you reside in the UK, you have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach your supervisory authority so please contact us in the first instance.

Controller

For purposes of the General Data Protection Regulation (GDPR) and the UK Data Protection Act of 2018, Vacares, LLC is the controller and responsible for your personal data collected from you on our Website, through the Service, or otherwise for the purpose of conducting or developing our business with customers and vendors.

15. Changes to our privacy policy

We keep our privacy policy under regular review. This version was last updated on April 19, 2019. We will post any changes we make to our privacy policy on this page. If the changes materially alter how we use or treat your personal data, we will notify you by email to the primary email address specified in your account or through a notice on the Website home page. Please check back frequently to see any updates or changes to our privacy policy.

16. Contact information

Questions, comments, and requests regarding this privacy policy and our privacy practices are welcomed and should be addressed to privacy@vacares.com or you may write to us at the following address:

Chief Privacy Officer
Vacares, LLC

3310 W Braker Ln
Austin, Texas 78758