

# Privacy Policy

Last Updated: February 21, 2017.

*This page explains our terms of service, which contains important information about your legal rights. When you use Volusion, you're agreeing to these terms. Everyday language summaries are provided for your convenience only and are not legally binding.*

**All terms not otherwise defined herein shall have the definitions set forth in the [Terms of Service](#).**

This privacy policy (this "Privacy Policy") is effective as of the date set forth above.

Volusion, LLC is committed to honoring the privacy of Our customers and visitors ("You" or "Your"). This Privacy Policy, which is part of Our overall Terms of Service ("Terms of Service"), covers personal information shared through Our website and Our Services, including Personally Identifiable Information and Anonymous Information (the "Personal Information"). "Personally Identifiable Information" or "PII" means information that can be used to identify You as an individual, such as, for example:

- Your name, company, email address, phone number, billing address, and shipping address;
- Your Volusion user ID and password (if applicable);
- credit card information (if applicable);
- any account-preference information You provide us; and
- Your computer's IP address.

"Anonymous Information" means information and data that is not linked to Your Personally Identifiable Information and does not, by itself, permit the identification of an individual.

This Privacy Policy describes how We collect and use the Personal Information You provide on Our website and as part of Our Services. It also describes the choices available to You regarding Our use of Your Personal Information and how you can access and update this information. By submitting Personal Information through our website ("Our Site") or as otherwise described in this Privacy Policy, or, even if You are not a customer, by visiting Our Site, You expressly consent to the collection, use and disclosure of Your Personal Information in accordance with this Privacy Policy.

We collect basic client information, including Personal Information, in connection with the performance of the Services. We respect Your privacy, and We assure you that We will maintain and use this information responsibly.

We do not intentionally gather Personal Information from visitors who are under the age of 13.

Please note that this Privacy Policy only addresses activities on Our Site and Our servers, and does not govern the collection and use of information by Our merchants, Our partners, or other companies that We do not control, nor by individuals not employed or managed by Us. If You visit a website that We host, mention or link to, another entity may

collect Your Personal Information and You should review its privacy policy before providing the site with information.

## **1. Data We Collect from You**

### **Account Registration**

The registration of an Account requires You to provide certain Personal Information, including a full legal name, current address, phone number, a valid email address and certain other information indicated as required. If You choose Services that require the payment of a fee, You will also be required to submit a credit card/debit card number, expiration date and billing zip code, which information will be kept on file in Our secure server in order to process Your recurring invoices. In connection with Your account registration, We may also ask for additional information, including the number of employees in Your company (if an entity), Your annual revenues, Your industry and other similar information. We use all such information to provide the Services to You, including to contact You, confirm Your identity and, if applicable, to invoice You.

### **Your Customers**

We collect Personal Information from Your customers that You share with Us or that such customers provide while registering for Your website using the Services ("Your Site"), browsing Your Site or during checkout on Your Site. We use this information to provide You with the Services and so that You can serve Your customers, including supporting and processing orders, authentication and processing payments. We also use this information to improve the Services.

### **Our Partners**

We collect Personal Information from our partners, which include individuals and businesses that have entered into a partnership agreement with Us. Our partners can include referral partners, developers, technology partners and solution partners. We also collect Personal Information about Your customers from Our partners in accordance with their applicable privacy policy. We use all such information to provide the Services to You, including to contact You and confirm Your identity and to improve the Services.

## **General Browsing**

Whether You are a customer of Ours or not, We collect Anonymous Data, including data about Our websites that You visit, information about the device, operating system and browser You use, Your network connection, Your IP address and the date/time stamp for Your visit. If You are a customer of Ours, We will also collect data about how and when You access Your Account. This information allows Us to see which areas are most visited, which helps Us improve the quality of visitors' online shopping experiences by recognizing and delivering more of the features, services and products that Our visitors prefer.

## **Social Media**

Our websites may use social media features, such as the Facebook 'like' button ("Social Media Features"). These features may collect Your IP address and which page You are visiting on Our website, and may set a cookie to enable the feature to function properly. You may be given the option by such Social Media Features to post information about Your activities on Our website to a profile page of Yours that is provided by a third party social media network in order to share with others within your network. Social Media Features are either hosted by a third party or hosted directly on Our website. Your interactions with these features are governed by the privacy policy of the company providing the relevant Social Media Features.

## **Contests and Sweepstakes**

With respect to persons age 13 or older, We collect Personal Information required to participate in certain contests, sweepstakes, and/or other giveaways (individually and collectively, "Promotions") that We conduct on social media/networking websites including, but not limited to twitter.com, facebook.com, pinterest.com, instagram.com, and youtube.com (each, a "Social Media Site"), or on Our website. This information may vary but will typically include your first and last name, mailing address (including city, state, zip code and country) and e-mail address. It may also include additional information, such as telephone number, fax number, and information about your interests in and use of various products, programs and services. We will use any such Personal Information to contact You regarding Your interest in, or experience with, the Services, as well as for marketing purposes.

## **Other**

From telephone users, We collect your phone number and call audio. From chat support users, we collect PII as well as information about the device and browser You use, Your network connection and Your IP address. From forum users, we collect certain PII, including Your name, email address and website URL. We use all of this information to provide to You the Services, to enhance Our Services and answer any questions You may have.

## **2. Use of Personal Information**

As described above, We will use Personal Information to perform the Services, including to facilitate the creation of and secure Your account on our network and identify You as a user in Our system. We will also use Personal Information to contact You regarding Your interest in, or experience with, the Services, to provide You with support and to improve the quality of Our Site and Services. We may also use Personal Information for marketing purposes. For example, We may use

information You provide to contact You or to send You information regarding Us or our partners.

If You purchase or specifically express interest in a product or service of one of Our partners, We may share Personal Information about You with such partner. We do not control the use of Your Personal Information that we collect, and their use will be in accordance with their own privacy policies. However, We will ensure that they are bound by a non-disclosure agreement with Us. If you do not wish for your Personal Information to be shared in this manner, You may opt not to purchase or to specifically express interest in Our partners products or services.

We do not sell, rent or trade Your Personal Information to third parties. We will not use any PII we collect from You or Your customers to contact or market to Your customers or directly compete with You.

We will not use or disclose any such PII, except:

- as necessary to provide the Services to You;
- in the aggregate with other information in such a way so that Your identity cannot reasonably be determined (for example, statistical compilations);
- as required by law, or based on our good faith belief that it is necessary to conform or comply with the law;
- to outside auditors who have agreed to keep the information confidential;
- to a successor organization in the event of a merger, acquisition, bankruptcy, or other sale or disposition of all or a portion of Our assets;
- as necessary to enforce Our Terms of Service;
- as necessary to protect Our rights, safety, or property, Our users, or others; this may include (for example) exchanging information with other organizations for fraud protection and/or risk reduction; and
- as otherwise described in this Privacy Policy or to which You have consented.

We use third party payment processors to assist Us in processing and share with them Your PII payment information securely. Such third party processors' use of Your Personal Information is governed by their respective privacy policies which may or may not contain privacy protections as protective as this privacy policy.

We may use other third parties to help Us provide services and marketing to You, such as shipping or fulfilling orders, processing payments, monitoring site activity, conducting quality assurance and testing, providing support, conducting surveys, and administering e-mails, and share with them Your Personal Information solely for those purposes. If We share any Personal Information with any of these third parties, We will require that such information be used only to provide the services requested by Us and be maintained by them in strictest confidence.

### **3. Storage**

If You do provide to Us, or We otherwise collect, Personal Information, either directly or through a partner, We will take commercially reasonable precautions to protect the information from loss, misuse and unauthorized access, disclosure, alteration and destruction. We follow industry standards on information security management to safeguard sensitive information, and are certified as a PCI-DSS service provider. Our platform is audited annually by a third-party qualified security assessor for compliance with PCI-DSS.

After We collect Personal Information, We will continue to store archived copies for legitimate business purposes and to comply with the law, and will continue use and store anonymous or anonymized information, such as website visits, in order to improve our Services.

## 4. Use of Cookies

This site uses cookies to enable You to navigate the site better as well as provide non-personally identifiable information to third parties to assist in Our market research and to provide targeted marketing and information. Cookies also allow Us to make Our sites more responsive to Your needs, by delivering a better and more personalized experience to You. The cookies are typically stored on your computer's hard drive and are used by Us to help track your clicks as you go through the pages within any of Our websites. In addition, We use cookies to help keep track of support requests and to tell us whether you have previously visited one of Our websites. This allows registered users to avoid reentering information upon every new visit to our site. We do not respond to Do Not Track (DNT) signals.

Third parties that have content embedded on Our websites such as a social feature may set cookies on a user's browser and/or obtain information about the fact that a web browser visited a specific website from a certain IP address. Third parties cannot collect any other personally identifiable information from Our websites unless you provide it to them directly.

Cookies may also be used to aid in Our marketing efforts. For example, we have implemented and use Display Advertising to allow for Google Analytics Remarketing. Third-party vendors, including Google, show our ads on sites across the Internet. We and these third-party vendors, including Google, use first-party cookies (such as the Google Analytics cookie) and third-party cookies (such as the DoubleClick cookie) together to report how your ad impressions, other uses of ad services, and interactions with these ad impressions and ad services are related to visits to Your site. We collect and use data from Google's demographic reporting (such as age, gender, and interests) to identify trends in the usage of our website. Such information is only used internally by Us. You can opt-out of Google Analytics for Display

Advertising and customize Google Display Network ads using [Google Ads Settings](#) can also use the [Google Analytics opt-out browser plug-in](#) to prevent their data from being collected and used by Google Analytics.

If You prefer not to accept cookies, You can set Your browser to either disallow cookies all together or have a browser alert You when a site is using a cookie. The exact method of disabling cookies varies depending on the browser You are using; please consult the Help option in Your browser for specific directions. Please note that if You reject or block all cookies in Your browser settings, You will not be able to take full advantage of Our services as some cookies are necessary for the site to function properly.

## 5. Choices Regarding Your Personal Information

We offer You choices regarding the collection, use and sharing of Your Personal Information. You may manage your receipt of marketing and non-transactional communications by clicking on the “unsubscribe” link located on the bottom of Our marketing emails. Additionally, you may send a request to [legal@volusion.com](mailto:legal@volusion.com).

## 6. Updating Personal Information

We prefer to keep your Personal Information accurate and up-to-date. To do this, We provide You with the opportunity to update or modify Your Personal Information, including contact information and billing and shipping information by logging into Your account.

## 7. Use of Forums / Discussion Boards

None of the information contained on Our website is medical, legal, business, or other advice or opinion. Any opinion expressed via this service is that of its author. Users are reminded that postings are automatic, instantaneous, and are not pre-reviewed. Additional facts and information on legal or other developments may affect the subjects discussed. Confidential information should not be discussed. We assume no responsibility for the content or consequences, direct or indirect, of communications by users.

## 8. Privacy Shield

Our operations are located primarily in the United States. If You provide information to us, the information will be transferred out of the European Union (“EU”) and Switzerland to the United States. We comply with the EU-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce (the “Privacy Shield”) regarding the collection, use and retention of personal information transferred from the EU to the United States (“EU Personal Data”). We have certified to the Department of Commerce that we adhere to the Privacy Shield Principles. To learn more about the Privacy Shield program, and to view our certification, please visit <http://www.privacyshield.gov>.

The Privacy Shield Principles set forth Our accountability for EU Personal Data that We receive under the Privacy Shield and subsequently transfer to a third party. As described in this Privacy Policy, We may use third parties to process data on our behalf. We remain liable if they do so in a manner inconsistent with the Privacy Shield Principles and We are responsible for the event giving rise to the damage.

We encourage You to contact Us should you have a Privacy Shield-related complaint. We will respond within 45 days. If We fail to respond within that time, or if Our response does not address Your concern, You may contact the International Centre for Dispute Resolution, the

International division of the American Arbitration Association. Please visit <http://go.adr.org/privacysield.html> for additional information and to file a complaint. Under certain conditions, more fully described on the Privacy Shield [website](#), You may be entitled to invoke binding arbitration when other dispute resolution procedures have been exhausted.

We are subject to the investigatory and enforcement powers of the U.S. Federal Trade Commission.

We may be required to disclose personal information in response to lawful requests by public authorities, including to meet the national security or law enforcement requirements.

## 9. Questions/Changes in Policy

If you have questions or concerns with respect to our Privacy Policy, please feel free to contact us at [legal@volusion.com](mailto:legal@volusion.com). If elements of our Privacy Policy change, We will post the updated Privacy Policy on this website. If You are concerned about how your Personal Information is used, please visit Our site often for this and other important announcements about Volusion.

We believe in providing a safe and secure shopping experience for all of our clients. We provide stringent and effective security measures on our website. It is our policy to never send private information, such as your credit card number, via e-mail, IM, chat or other unsecured means. In fact, this is a practice We recommend you adopt in all of Your Internet activities.

## 10. Prior Versions

**Privacy Policy** effective September 30, 2016.

Prior to September 30, 2016, Our Privacy Policy was included in our **Terms of Service**.