

# Privacy Notice for California Residents

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**Effective Date:** January 1, 2020

**Last Reviewed on:** December 26, 2019

This **Privacy Notice for California Residents** supplements the information contained in Fog Theory Wines, a part of Foley Family Wines, Inc.'s general privacy policy found at [www.fogtheorywines.com/Privacy](http://www.fogtheorywines.com/Privacy) (the "**General Privacy Policy**") and applies solely to all visitors, users, and others who reside in the State of California ("**consumers**" or "**you**"). Foley Family Wines, Inc., a Delaware Corporation, ("**Company**" or "**we**") adopt this notice to comply with the California Consumer Privacy Act of 2018 (as the same has been amended and may be amended in the future, "**CCPA**") and any terms defined in the CCPA have the same meaning when used in this notice.

## Information We Collect

Our Website and our mobile applications for use with IOS and Android (our "**Apps**"; the Website and Apps will be collectively referred to herein as our "**Online Services**") collect information that identifies, relates to, describes, references, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device ("**personal information**"). In particular, our Online Services have collected the following categories of personal information from its consumers within the last twelve (12) months:

<b>Category</b>	<b>Examples</b>	<b>Collected</b>
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number,	YES

(Cal. Civ. Code § 1798.80(e)).	or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	NO
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	NO
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	NO
I. Professional or employment-related information.	Current or past job history or performance evaluations.	NO

<p>J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).</p>	<p>Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.</p>	<p>NO</p>
<p>K. Inferences drawn from other personal information.</p>	<p>Profile reflecting a person’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.</p>	<p>YES</p>

Personal information does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Information excluded from the CCPA’s scope, like:
  - health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA) or clinical trial data; or
  - personal information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA), and the Driver’s Privacy Protection Act of 1994.

Company obtains the categories of personal information listed above from the following categories of sources:

- Directly from you. For example, from forms you complete or products and services you purchase or from your Foley Food and Wine Society or wine club registrations.
- Indirectly from you. For example, from observing your actions on our Online Services.

- From third parties, for example, our business partners, affiliates and subsidiaries.

## Use of Personal Information

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

- To present our Website, the Apps and their respective content to you.
- To conduct business with you.
- To provide you with information, products, or services that you request from us.
- To answer questions and provide other customer services.
- To develop new, or modify existing, products and services.
- To manage, including, but not limited to, providing you with notices about, your account, society membership or wine club subscription(s), including expirations and renewals.
- To fulfill your wine club subscriptions and other orders.
- To issue, manage and use your reward points.
- 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 allow you to participate in interactive features on our Online Services.
- To notify you about changes to any of our Online Services or any products or services we offer or provide through it.
- To prevent fraud or cybersecurity attacks.
- To assist in our efforts to implement, maintain and modify our information system, network and cybersecurity protections.
- To develop and operate financial/credit/conduct and risk models, conduct internal analysis of customers, plan strategy and growth, collate reports, manage information to support our business operations.
- To fulfill any other purpose for which you provide any information to us.
- For any other purpose with your consent.

We may also use your information to contact you about our own and third-parties' (including our affiliate's or subsidiary's) goods and services that may be of interest to you. If you do not want us to use your information in this way, please contact us by email at [privacy@FoleyFamilyWines.com](mailto:privacy@FoleyFamilyWines.com). For more information, see the [General Privacy Policy](#).

We will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

## Sharing Personal Information

We may disclose your personal information to a third party for a business purpose. When we disclose personal information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We may share your personal information with the following categories of third parties:

- **To our affiliates and subsidiaries.**
- 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 Foley Family Wines, Inc.'s assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by Foley Family Wines, Inc. about our Online Services users is among the assets transferred.
- To third parties (other than our affiliates and subsidiaries) to market their products or services to you if you have not opted out of these disclosures. We contractually require these third parties to keep personal information confidential and use it only for the purposes for which we disclose it to them.

We may also disclose your personal information:

- To comply with any court order, law, or legal process, including to respond to any government or regulatory request.
- To enforce or apply our policies, terms and conditions, and other agreements, including for billing and collection purposes.
- To fulfill the purpose for which you provide it. For example, if you give us an email address to use the "Contact Us" feature of our Website, we will transmit the contents of that email and your email address to the

appropriate persons with our Company in order to provide you with the requested information or to otherwise fulfill your request.

- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of Foley Family Wines, Inc., our affiliates and subsidiaries, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.
- For any other purpose disclosed by us when you provide the information or provided your consent.

## ***DISCLOSURES OF PERSONAL INFORMATION FOR A BUSINESS PURPOSE***

In the preceding twelve (12) months, Company has disclosed the following categories of personal information for a business purpose:

Category A: Identifiers.

Category B: California Customer Records personal information categories.

Category D: Commercial information.

Category K: Inferences drawn from other personal information.

We disclosed this personal information for a business purpose to the following categories of third parties:

- Service providers, including marketing service providers, information technology services providers, software providers, shipping service providers and credit card processors.
- Legal and accounting service providers.
- Our affiliates and subsidiaries.

## **Your Rights and Choices**

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

## ***ACCESS TO SPECIFIC INFORMATION AND DATA PORTABILITY RIGHTS***

You have the right to request that we disclose the categories and specific pieces of information we have collected and certain information to you about our collection and use of your personal information over the past twelve (12) months. Once we receive and confirm your verifiable consumer request

(see *Exercising Access, Data Portability, and Deletion Rights*), we will disclose to you:

- The categories of personal information we collected about you.
- The categories of sources for the personal information we collected about you.
- Our business or commercial purpose for collecting or selling that personal information.
- The categories of third parties with whom we share that personal information.
- The specific pieces of personal information we collected about you (also called a data portability request).
- If we sold or disclosed your personal information for a business purpose, two separate lists disclosing:
  - sales, identifying the personal information categories that each category of recipient purchased; and
  - disclosures for a business purpose, identifying the personal information categories that each category of recipient obtained.

## ***DELETION REQUEST RIGHTS***

You have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see *Exercising Access, Data Portability, and Deletion Rights*), we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

- Complete the transaction for which we collected the personal information, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- Debug products to identify and repair errors that impair existing intended functionality.

- Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
- Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *et. seq.*).
- Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
- Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- Comply with a legal obligation.
- Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

## ***EXERCISING ACCESS, DATA PORTABILITY, AND DELETION RIGHTS***

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us at our wineries or through one of the following:

- **Email:** [privacy@foleyfamilywines.com](mailto:privacy@foleyfamilywines.com)
- **Phone:** [844-285-2209](tel:844-285-2209)
- **Postal Address:** 10300 Chalk Hill Road, Healdsburg, California 95448.

Only you, or a natural person or person registered with the California Secretary of State that you authorize in writing, or otherwise properly authorize, to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.



We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with us.

We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

### ***RESPONSE TIMING AND FORMAT***

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to ninety (90) days), we will inform you of the reason and extension period in writing.

If you have an account with us, we will deliver our written response to that account. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option.

Any disclosures we provide will only cover the twelve (12)-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

### ***NO PERSONAL INFORMATION SALES***

We do not sell any personal information that we collect or use.

### **Non-Discrimination**

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.

- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

However, we may offer you certain financial incentives permitted by the CCPA that can result in different prices, rates, or quality levels. Any CCPA-permitted financial incentive we offer will reasonably relate to the value to us of your personal information and contain written terms that describe the program's material aspects. Participation in a financial incentive program requires your prior opt in consent, which you may revoke at any time.

## Other California Privacy Rights

California's "Shine the Light" law (Civil Code Section § 1798.83) permits users of our Website 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 [privacy@foleyfamilywines.com](mailto:privacy@foleyfamilywines.com) or write us at: 10300 Chalk Hill Road, Healdsburg, California 95448.

Do Not Track (DNT) is a privacy preference that users can set in their web browsers. At this time, our Online Services do not support DNT codes. However, except in the case of analytics cookies, our Website limits tracking to the uses described above. Except in the case of analytics cookies, our Website does not track your use across multiple websites other than the affiliated websites which fall under the [General Privacy Policy](#), however, other websites to which we link may. Please review their privacy policies to understand how you may be tracked.

## Changes to Our Privacy Notice

We reserve the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on the Website and update the notice's effective date.

## Contact Information

If you have any questions or comments about this notice, the ways in which Foley Family Wines, Inc. collects and uses your information described in this notice and in the [General Privacy Policy](#), your choices and rights regarding

such use, or wish to exercise your rights under California law, please contact us at our wineries, tasting rooms, or retail locations or through one of the following:

- **Email:** [privacy@foleyfamilywines.com](mailto:privacy@foleyfamilywines.com)
- **Phone:** [844-285-2209](tel:844-285-2209)
- **Postal Address:** 10300 Chalk Hill Road, Healdsburg, California 95448.