

Privacy Notice

Last updated: June 15, 2020

This Privacy Notice (“Privacy Notice”) describes how Berkeley Bowl Produce Inc. (“Berkeley Bowl”, “we,” or “us,”) handles your personal information when you:

- Visit our website at www.berkeleybowl.com (“Site”)
- Use our application (“App”)
- Sign up for our services (“Services”)
- Contact us or otherwise provide us with personal information.

The Site and the App are collectively referred to as the “Platform”. Please note that this Privacy Notice does not cover the personal information collected and used by Third-Party Delivery Services, as explained [below](#).

IF YOU ARE CALIFORNIA RESIDENT: If you are a resident of California, this entire Privacy Notice applies to you. However, please also see the section titled “[Additional Notices for California Consumers](#)” below, which will inform you in detail about our information collection practices and your specific rights.

We recommend that you read this Privacy Notice carefully as it provides important information about your personal information. It also tells you about your rights under the law. If, after reviewing this Privacy Notice, you have any questions or concerns, please send us an email to privacy@berkeleybowl.com.

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Changes to This Privacy Notice

We may update this Privacy Notice from time to time. If we make material changes to this Privacy Notice, we will post our updated Privacy Notice on the Site, and for a reasonable period of time we will post notice of the change so it is visible to visitors after the change is posted. By your continued use of the Platform, you will be deemed to consent to the terms of the revised Privacy Notice.

What Personal Information Do We Collect?

Generally speaking, “personal information” means any information about an individual from which that person may be identified. Personal Information includes obvious things, like your name, telephone number, email address and street address, as well as less obvious things like your IP address, device ID and location information. Personal information does not, however, include information from which the identity of an individual has been definitively removed (also known as anonymous or anonymized data).

In order to provide the Platform and Services, we collect various types of information. We collect personal information [directly](#) from you when you provide it to us, such as when you create an account with us or otherwise communicate with us verbally or in writing. We also may collect information [indirectly](#), such as through automated technologies (e.g., cookies).

Personal Information You Provide to Us

General Inquiries

You can generally visit the Platform without having to submit any personal information about yourself to us. However, if you require more information about our Services, you may contact us via the Platform, in which case we will collect your name and email address, as well as any other information that you submit to us via email.

Orders and Delivery

If you wish to place and order for pick-up or delivery or otherwise use our Services, you will be required to provide the following information:

- Full name
- Email address
- Phone number
- Delivery address (if applicable)
- Age (if purchasing alcohol online).

When you check out, we will also collect your payment information, as explained [here](#).

Personal Information We Collect Indirectly

Automatically-Collected Information

When you visit the Platform, we (or our authorized service providers) automatically collect information about the computer or devices (including mobile devices) you use to access the Platform, and your interactions with the Platform, such as through cookies and other automated technologies. For example, we may collect and store information such as your browser type, IP address, language, operating system, location of your wireless device (e.g., latitude and longitude), the state or country from which you accessed the Platform, unique device identifier, the pages you view, length of time spent on pages, the manner in which you use the Platform (e.g., the content you access, view, click on, search for etc.), the date and time of your visit, the websites you visited immediately before and after visiting the Platform, error logs, and other hardware and software information, as well as other geographic and demographic information.

We may use cookies and similar tools, to assist in collecting this information, as further explained below. We may use this information to formulate statistical models about use of the Platform, enhance the Platform for our users, and provide you with information about new opportunities, and tailored content, advertising, marketing and as otherwise discussed in this Privacy Notice.

For more information about our use of cookies and similar technologies, please see [Cookies and Similar Technologies](#) below.

Location Information

We or our authorized third-party service providers also collect broad geographic location (e.g., country or city-level location) based upon IP address, in order to determine the popularity of our products around the world and guide product updates and marketing strategies.

Please check your specific browser or device settings to disable location services.

Third Parties

We may collect personal information from third parties, such as our service providers, in connection with and in order to facilitate a transaction.

Payment Service Providers

For payment collection when you order online, we do not store your payment information. We use a third-party, PCI-compliant, payment processor, which collects payment information on our behalf in order to complete transactions. While we are able to view and track actual transactions, we receive a token from our payment processor and do not have access to or process your credit card information.

Third-Party Delivery Services

Berkeley Bowl works with independent third-party delivery services in order to deliver our products to you (“Third-Party Delivery Services”). When you visit the website of Third-Party Delivery Services, or order our products via Third-Party Delivery Services, your personal information is collected and stored by these Third-Party Delivery Services. In some cases, the Third-Party Delivery Service may have a dedicated webpage with our name or logo, however we do not control such webpages and the information that may be collected when you visit them. How these Third-Party Delivery Services collect and use your personal information is not governed by this Privacy Notice. Please review their respective privacy policies for information as to how they collect and use your personal information.

Cookies and Similar Technologies

What are Cookies, Pixels and Local Storage?

The Site uses “cookie” technology and similar online tools, such as web beacons and web pixels. “Cookies” are small files that a website stores on a user’s computer or device and through which personal information may be collected. The Site use cookies for various purposes, including to keep the information you enter on multiple pages together.

Some cookies are first-party cookies – meaning our cookies – and others are third-party cookies, meaning that they are placed on the Site by authorized third parties, such as Google. Most web browsers automatically accept cookies, but you may set your browser to block certain cookies (consult the instructions for your particular browser on how to do this). Please note that if you decide to block cookies, this may interfere with your ability to perform certain transactions, use certain functionality, and access certain content on the Site.

We use “session” cookies, meaning that they are automatically deleted from your hard drive after you close your browser at the end of your session. Session cookies are used to optimize performance of the Site and to limit the amount of redundant data that is downloaded during a single session. We also use “persistent” cookies, which remain on your computer or device unless deleted by you (or by your browser settings). We use persistent cookies for various purposes, such as statistical analysis of performance to ensure the ongoing quality of our Site.

Generally speaking, technologies that work like cookies include “pixels”, which many websites use to learn whether you’ve interacted with certain web or email content, and “local storage”, an industry-standard technology that allows a website or application to store information locally on your computer or mobile device.

Some of the cookies or similar technologies that may be used are “essential” for the Site to function, while other are “functional” in that they allow sites to add additional functionality. Other cookies or similar technologies help us improve our Site and measure audiences through analytics, including via Google Analytics and Hotjar, as further explained below.

Your Choices

Most web and mobile device browsers automatically accept cookies, but if you prefer, you can change your browser to prevent that or to notify you each time a cookie is set. Some browser manufacturers provide comprehensive help relating to cookie management in their products. Please see your web browser provider’s settings for more information.

You can also learn more about cookies by visiting www.allaboutcookies.org, which includes additional useful information on cookies and how to block cookies using different types of browsers or mobile devices.

Please note, however, that by blocking or deleting all cookies used on the Site, you may not be able to take full advantage of the Site and you may not be able to properly log on to the Site. In addition, we cannot control how third parties track you across the Internet, irrespective of our activity.

AnalyticsThe Platform uses Google Analytics, a service that drops cookies and/or similar technologies to collect and store information about your device and use of the Platform. We use Google Analytics to calculate visitor, session and campaign data for analytics reports.

You can read Google’s privacy policy [here](#). You can opt-out from being tracked by Google Analytics on the Platform in a particular browser on a particular device by downloading and installing the Google Analytics Opt-out Browser Add-on for that browser, which is available [here](#).

We also use Hotjar on our Site through the use of cookies. Hotjar helps us better understand user behavior through the use of tools that visually represent and record user their clicks, taps and scrolling behavior. Hotjar’s behavior analytics software is designed to give us an aggregated view of our users’ behavior while browsing the Site. This provides us with the insights needed to improve the overall experience for our visitors. Hotjar is not designed to track individual users. To find out more, including how to opt-out of Hotjar’s tracking, please visit <https://www.hotjar.com/privacy/do-not-track/>.

Social Plugins

We may use social plugins on our Platform and may include icons that allow you to interact with third-party social networks such as LinkedIn, Twitter and Instagram. The third-party social plugins generally set a cookie when your browser creates a connection to the servers of such social networks and may transmit your personal information to the social networks. Your use of these social plugins, and your use of the products offered by these social networks, is subject to the privacy policies of the third-party social networks.

How We Use Your Information

We will use your information for the purpose for which you provided it or for which we collected it. We may use your information to:

- Provide the Platform and the Services, including to fulfill orders
- Respond to your inquiries and communicate with you
- Better understand how our Platform is used, and what Services users may be interested in
- Improve and enhance your experience with the Platform, including the content and general administration of the Platform.
- Market or advertise new products and Services to you

- Retain records as may be required for tax, legal and financial purposes
- Provide information to regulatory bodies when legally required, and only as outlined in this Privacy Notice
- Comply with the law.

Do Not Track Signals

We will respond to your selection of the “Do Not Track” setting or other “opt out” setting or feature that may be offered by your browser.

Disclosure of Your Information

We may share your information in the following ways:

- We may share information about you with the following types of companies:
 - Companies that perform services on our behalf, such as website hosting services, communication tools or delivery services
 - Analytics partners, including behavior analytics services.

In some cases, these third parties or service providers collect information directly from you via the Platform.

- We may share your information with any person or entity where we believe in good faith that such disclosure is necessary or otherwise appropriate to: (a) comply with the law or in response to a valid subpoena, court order, government request, or other valid legal process; (b) produce relevant documents or information in connection with litigation, arbitration, mediation, adjudication, government or internal investigations, or other legal or administrative proceedings; (c) protect the interests, rights, safety, or property of Berkeley Bowl or others; or (d) enforce our rights or other contractual obligations.
- We may transfer your personal information to a successor entity upon a merger, consolidation or other corporate reorganization in which Berkeley Bowl participates, or to a purchaser or acquirer of all or substantially all of Berkeley Bowl’s business or assets, including a successor in bankruptcy
- We may share your information with any person or entity when we have your consent.
- We may use and share non-personal information about you or use of the Platform and Services, including any de-identified and aggregated data with third parties without limitation.

Security And Account Protection

We have implemented commercially reasonable physical, administrative, technical, and electronic security measures designed to protect against the loss, misuse, and alteration of your personal information. Despite our efforts, however, no security measures are perfect or impenetrable, and we do not promise that your information will remain secure.

We appreciate your help in safeguarding the integrity of your own and others’ privacy. We encourage you to let us know immediately if you suspect that any personal information you shared with us is being used contrary to this Privacy Notice.

Children’s Information

Berkeley Bowl’s Platform is not directed toward persons under eighteen (18) years of age. We do not knowingly market to or collect any personal information from children under the age of eighteen (18). If you are under eighteen (18), you are not permitted to submit any personal information to us.

If you are a parent or guardian, and believe that we have the personal information of your minor child in our database, please contact us immediately at privacy@berkeleybowl.com to request that we remove such information from our records.

International Transfers

We are located in the United States. As such, the Platform and Services are intended for use in the United States and the personal information that we collect is stored on servers located in the United States. This means that your personal information will be collected, processed and stored in the United States, which may have data protection laws that are different from (and sometimes less protective than) the laws of your country or region.

By sending us personal information, you agree and consent to the processing of your personal information in the United States, which may not offer an equivalent level of protection to that required in other countries (particularly the European Union), and to the processing of that information by us on servers located in the United States, as described in this Privacy Notice.

Contacting Us

Should you have any questions about this Privacy Notice, contact us by sending an email to privacy@berkeleybowl.com to request that we remove such information from our records.

or writing to us at Berkeley Bowl Produce, 920 Heinz Ave., Berkeley CA 94710.

Additional Information for California Residents

This Privacy Notice for California Residents (“CCPA Notice”) supplements the information contained in the Privacy Notice and applies solely to all visitors, users, and others who reside in the State of California (“Consumers”). We have created this CCPA Notice in order to comply with the California Consumer Privacy Act of 2018 (“CCPA”).

Information Not Covered by this CCPA Notice

This CCPA Notice does **not** address or apply to:

- Personal information that we collect about employees, contractors or job applicants, which is addressed in a separate CCPA Notice specific to employees, contractors or job applicants
- Personal information that we collect about individuals acting in their capacity as representatives of our clients, prospective clients, vendors and other businesses with which we conduct or may conduct business, to the extent we use their personal information only in the context of conducting due diligence with respect to our business relationship and the provision of our Services to such businesses pursuant to our business relationship
- Other types of personal information that are specifically exempt from CCPA.

Categories of Personal Information We Collect

Berkeley Bowl collects personal information as that term is defined in CCPA, both online (via the Platform) and offline, such as when you visit our physical locations.. Within the last twelve (12) months, Berkeley Bowl has collected the following categories of personal information from Consumers:

Category	General Examples
(A) Identifiers	A real name, unique personal identifier, online identifier, Internet Protocol address, or email address.
(B) Personal Information categories listed in the California Customer Records Statute (Cal. Civ. Code § 1798.80(e))	A name, address or telephone number, employment.
(D) Commercial information	Records of products purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.
(F) Internet or other electronic network activity information	Browsing history, search history, and information regarding a consumer's interaction with an internet website, application, or advertisement.
(G) Geolocation data	Physical location/address.

Personal information does **not** include:

- Information that is not or cannot reasonably be linked to you
- Publicly available information from government records
- Deidentified or aggregated Consumer information.

As explained in more detail [here](#), Berkeley Bowl obtains the categories of personal information listed above from the following categories of sources:

- *Directly from you*, such as when you register for an account, send us an email or provide information at one of our physical locations. This includes the following categories of personal information:
 - (A) Identifiers
 - (B) Personal Information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e))
 - (D) Commercial information
 - (G) Geolocation data
- *Indirectly*, for example, from observing your actions on our Site, including through the use of cookies. This includes the following categories of personal information:
 - (A) Identifiers
 - (F) Internet or other electronic network activity information
 - (G) Geolocation data

Use of Personal Information

We may use the personal information we collect for one or more of the following business purposes:

Categories of Information	Business Purpose
(A) Identifiers (B) Personal Information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)) (D) Commercial information (F) Internet or other electronic network activity information (G) Geolocation data	Provide the Platform and Services, including to fulfill orders.
(A) Identifiers (B) Personal Information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)) (D) Commercial information (F) Internet or other electronic network activity information (G) Geolocation data	Respond to your inquiries and communicate with you.
(A) Identifiers (D) Commercial information (F) Internet or other electronic network activity information (G) Geolocation data	<ul style="list-style-type: none"> • Better understand how our Platform is used, and what Services users may be interested in. • Improve and enhance your experience with the Platform and Services, including the content and general administration of the Platform.
(A) Identifiers (B) Personal Information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)) (D) Commercial information (F) Internet or other electronic network activity information (G) Geolocation data	Market or advertise new products and Services to you.
(A) Identifiers (B) Personal Information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)) (D) Commercial information (G) Geolocation data	Retain records as may be required, for instance for legal and financial purposes.

Categories of Information	Business Purpose
(A) Identifiers (B) Personal Information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)) (D) Commercial information (F) Internet or other electronic network activity information (G) Geolocation data	In the event of a merger, acquisition, bankruptcy or other sale or transfer.
Any category of personal information as may be required and only as outlined in this Privacy Notice	To provide information to regulatory bodies when legally required, or otherwise comply with the law.

Disclosure of Personal Information to Service Providers

Berkeley Bowl 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 services for us.

As explained in more detail [above](#), we share your personal information with certain categories of service providers who assist us in providing our Platform and Services and with our business. In the preceding twelve (12) months, Berkeley Bowl has disclosed the following categories of personal information for a business purpose:

- (A) Identifiers
- (B) Personal Information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e))
- (D) Commercial information
- (F) Internet or other electronic network activity information
- (G) Geolocation data

We disclose your personal information for a business purpose to the following categories of service providers or third parties:

- Companies that do things to help us provide the Site: hosting service providers, analytics providers, behavior analytics services, payment service providers, communication tools; and
- Professional service providers, such as auditors, lawyers, consultants, accountants and insurers.

As explained [here](#), Third-Party Delivery Services are fully responsible for their own collection and use of your personal information.

Sales of Personal Information

In the preceding twelve (12) months, Berkeley Bowl has not sold (as defined in the CCPA) your personal information.

Your Rights and Choices Under CCPA

The CCPA provides Consumers with specific rights regarding their personal information, provided that we are able to verify their identities. 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 Berkeley Bowl disclose certain information to you about our collection and use of your personal information over the past twelve (12) months. Once we receive your request **and verify your identity** (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; and
- The specific pieces of personal information we collected about you (also called a data portability request).

Deletion Request Rights

You have the right to request that Berkeley Bowl delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive your request **and verify your identity** (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) for certain reasons as permitted and set forth in the CCPA. These reasons include (just to name a few):

- Completing the transaction for which the personal information was collected;
- Providing a good or service requested by you;
- Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, or prosecuting those responsible for such activities;
- Debugging products to identify and repair errors that impair existing intended functionality;
- Complying with a legal obligation;
- Making 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

Only you, or a person registered with the California Secretary of State that you 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.

An authorized agent is a natural person or a business entity registered with the Secretary of State that a Consumer has authorized to act on his or her behalf. When a Consumer uses an authorized agent to submit a request to know or a request to delete, Berkeley Bowl may require that the Consumer provide the authorized agent written permission to do so and verify their own identity directly with Berkeley Bowl, unless the Consumer has provided the authorized agent with a valid power of attorney. Berkeley Bowl may deny a request from an agent that does not submit proof that they have been authorized by the Consumer to act on his or her behalf.

To exercise the access, data portability, and deletion rights described above, please submit a verifiable Consumer request to us by sending us an email at:

- privacy@berkeleybowl.com 
- +1 510-898-9555

You may only make a verifiable Consumer request for access or data portability twice within a twelve (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; and

- 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. However, we do consider requests made through your password protected account as a reasonable step toward verification when the request relates to personal information associated with that specific account. Please note that the methods for verification are set forth in the CCPA, which also requires us to consider a number of factors, such as type, sensitivity and value of the personal information or risk of harm posed by unauthorized access or deletion, on a case-by-case basis.

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, we will inform you of the reason and extension period in writing.

Any disclosures we provide will only cover the twelve (12) month period preceding our receipt of the verifiable Consumer's request. If applicable, our response we provide will also explain the reasons we cannot comply with a request. 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.

Non-Discrimination and Notice of Financial Incentives

We will not discriminate against you in a manner prohibited by the CCPA because you exercise your CCPA rights. Please note that to use our Services, we do require the collection of your personal information, for example to sign up or in order to complete a paid transaction. While you may request to delete your personal information under CCPA, such deletions may affect Berkeley Bowl's ability to offer the Services.

In addition, on our Platform, we may offer you financial incentives, including discounts when you sign up. These financial incentives are directly related to the value that we derive from Consumer's information, as permitted by CCPA. Please note that participating in incentive programs is entirely optional and you will have to affirmatively opt-in. You also may withdraw from the incentive at any time. If you have previously opted-into the incentive and wish to opt-out, please visit www.berkeleybowl.com/opt-out.

Questions

If you have any questions regarding this CCPA Notice, please contact Berkeley Bowl at privacy@berkeleybowl.com.