

Privacy Policy

Last Revised: 4/6/2020

1. OVERVIEW

This Privacy Policy describes the types of information that McKee Foods and its subsidiaries and affiliates (collectively, “McKee Foods”, “we”, “our” and “us”) collect from visitors to and users of the McKee Foods wholesale distributor website at <https://www.emckeeapps.com/>, and associated online and mobile applications (collectively, the "Service"). This Privacy Policy also explains how McKee Foods may use and disclose and protects such information, as well as your choices regarding it. Throughout this Privacy Policy, “information” includes personal information about you.

The Service allows you to use tools available to help you manage your business, including by tracking, updating and otherwise managing product inventory; monitor deliveries to your distributorship; place orders for products, view or create promotional materials and other materials or opportunities; create invoices and other documentation reflecting your sales to your customers, change your pricing to your customers, view your profits and sales history and opportunities for potential growth; and perform other activities relating to the conduct of business by the Distributor under the applicable Distributorship Agreement, each as defined in the Terms of Use (<https://www.emckeeapps.com/DistributorAuth/Content/tos.pdf>) (the “Terms”). You may elect to submit information and data to the Service relating to the Distributor’s inventory of third-party products.

PLEASE READ THIS PRIVACY POLICY AND THE TERMS CAREFULLY. IF YOU DO NOT AGREE WITH THE PROVISIONS OF THIS PRIVACY POLICY OR THE TERMS, DO NOT ACCESS OR USE THE SERVICE. BY ACCESSING OR USING THE SERVICE, YOU AGREE TO THE PROVISIONS OF THIS PRIVACY POLICY AND THE TERMS.

2. INFORMATION COLLECTION

We collect the following types of information in the manner described below.

a. We collect information from and about you when you access or use the Service.

Following are examples of ways in which you can access or use the Service:

- To create, use or make changes (for example, corrections, updates, or deletions) to your account within the Service with us (for example, to provide user name and password and any other information you provide such as content or comments);
- To provide contact information (for example, full name, address, email address and a telephone number and related preferences), date of birth, information for

transactions with us and/or a third party through the Service, information provided in connection with products and services, payment information (for example, credit card information or financial account information for another type of payment), demographic information (for example, date of birth, gender or zip code); and

- To contact or otherwise interact with us or a third party to provide information (for example, your search queries on the Service, requests for information, applying for employment, orders of merchandise, participation in contests, giveaways, surveys and questionnaires, signing up for newsletters, participation in promotions and reporting an issue with the Service).

b. We can receive information from or about you through any other individuals or third parties, including third-party service providers and/or third-party social networking services, which information can be used as described in this Privacy Policy.

c. We can automatically collect other information about you, including:

- Operating system;
- Browser type;
- Your Internet Protocol (IP) address;
- Domain name of your Internet service provider;
- Your geographic location, which may include GPS coordinates (such as latitude and/or longitude) or similar information regarding the location of your device;
- The Service pages that you visit and the date and time of your visits
- Device identifier, such as a universally unique identifier (UUID); and
- Anonymized information.

d. We can collect information about you from:

- Third-party social networking services;
- Publicly-accessible sources;
- Our subsidiaries and/or affiliates; and
- Our third-party service providers and other partners.

e. We can combine any of the information we collect from or about you and use it in the manner described in this Privacy Policy.

3. COOKIES AND OTHER TECHNOLOGIES; DO NOT TRACK

We, along with third parties, use cookies, Web beacons, flash cookies or Local Shared Objects, device identifiers, application analytics software, and other technologies. These technologies are used for tracking, advertising, analytics and personalization and optimization of the Service.

a. Cookies. Cookies are small text files that are stored on your computer.

- Persistent cookies remain on the visitor's or user's computer after the browser has been closed.
- Session cookies exist only during a visitor's or user's online session and disappear from the visitor's or user's computer when they close the browser software. You can instruct your browser to stop accepting cookies. But if you do not accept cookies, you may not be able to use all portions or all functionality of the Service.

b. Web Beacons. Web beacons or tags (small images embedded into websites or emails that send information about your computer when you access or use the Service, or open an email we send to you) can be used either by us or a third party.

c. Flash Cookies or Local Shared Objects. We can use flash cookies or Local Shared Objects.

d. Device Identifiers. When you access or use the Service using a mobile device, we may access, collect, monitor and/or remotely store one or more "device identifiers," such as a universally unique identifier (UUID). Device identifiers are small data files or similar data structures stored on or associated with your device that uniquely identify your device. A device identifier may consist of data stored in connection with the device hardware, operating system or other software, or data sent to the device by us. A device identifier may convey information to us about how you browse and use the Service. A device identifier may remain persistently on your device to enhance your navigation within the Service. Some features of the Service may not function properly if use or availability of device identifiers is impaired or disabled.

e. Third parties may collect personally identifiable information about an individual user's online activities over time and across different Internet services when a user uses the Service.

f. Below are links to resources regarding online tracking and targeting:

For Facebook, please see <https://www.facebook.com/about/basics/advertising>, <https://www.facebook.com/about/privacy> and <https://www.facebook.com/legal/terms>.

For Google Analytics, please see <https://policies.google.com/privacy>, <https://policies.google.com/technologies/partner-sites>, <https://www.google.com/analytics/terms/> and <https://tools.google.com/dlpage/gaoptout>.

For Instagram, please see <https://help.instagram.com/402411646841720> and <https://help.instagram.com/581066165581870>.

For Koupon Media, please see <https://www.kouponmedia.com/privacy>.

For Microsoft Visual Studio App Center, see <https://privacy.microsoft.com/en-us/privacystatement>.

For Pinterest, please see <https://www.pinterest.com>, <https://policy.pinterest.com/en/privacy-policy>, <https://policy.pinterest.com/en/cookies>, <https://policy.pinterest.com/en/terms-of-service> and <https://policy.pinterest.com/en/community-guidelines>.

For Sprout Social, please see <https://sproutsocial.com/privacy-policy/>, <https://sproutsocial.com/terms/>, <https://sproutsocial.com/responsible-disclosure-policy/>, and <https://sproutsocial.com/cookie-notice/>.

For Twitter, please see <https://help.twitter.com/en/safety-and-security/privacy-controls-for-tailored-ads>.

g. Third-Party Ad Networks. We use third parties, such as network advertisers, to serve advertisements on third-party websites or other media (for example, a third-party social networking service). This enables us and these third parties to target advertisements to you for products and services offered by us and products and services offered by third parties in which you might be interested. Third-party ad network providers, advertisers, sponsors, and/or traffic measurement services may use cookies, JavaScript, Web beacons, flash cookies or Local Shared Objects and other tracking technologies to measure the effectiveness of their ads and to personalize advertising content to you. These third-party cookies and other technologies are governed by each third party's specific privacy policy, not this Privacy Policy.

Users in the United States may opt out of many third-party ad networks. For example, you may go to the Digital Advertising Alliance ("DAA") Consumer Choice Page (<http://optout.aboutads.info/#/>) for information about opting out of interest-based advertising and choices regarding having information used by DAA companies (<http://digitaladvertisingalliance.org/participating>). You may also go to the Network Advertising Initiative ("NAI") Consumer Opt-Out Page (<http://optout.networkadvertising.org/#/>) for information about opting out of interest-based advertising and choices regarding having information used by third-party companies who are NAI members (<https://www.networkadvertising.org/participating-networks>).

Opting out from one or more companies listed on the DAA Consumer Choice Page (<http://optout.aboutads.info/#/>) or the NAI Consumer Opt-Out Page (<http://optout.networkadvertising.org/#/>) will remove you from those companies' delivery of interest-based content or ads to you, but it does not mean you will no longer receive any advertising through the Service or on other third-party websites. Even if you opt out from one or more companies listed on the DAA Consumer Choice Page or the NAI Consumer Opt-Out Page, you may continue to receive advertisements, for example, based on the particular website that you are viewing (i.e., contextually-based ads). Also, if your browsers are configured to reject cookies when you opt out on the DAA or NAI websites, your opt-out may not be effective. Additional information is available on the DAA's website at <http://www.aboutads.info/> or the NAI's website at <http://www.networkadvertising.org/>.

h. Do Not Track. At this time, we do not respond to "Do Not Track" signals sent from Web browsers or other mechanisms that provide users the ability to exercise choice regarding the collection of personally identifiable information about a user's online activities over time and across third-party Internet services.

Please see Information Collection above and Information Use, Disclosing Information, Children's Privacy, Storage, Retention, Choices Regarding Your Information and Your California Privacy Rights below.

4. INFORMATION USE

We or third parties may use the information we collect from and about you for any of the following purposes, subject to applicable law, including:

- The purposes for which you provided it (for example, engaging in a transaction with us or a third party, including order placement and settlement);
- To provide the Service to you for the conduct of business by the Distributor under the applicable Distributorship Agreement, or as otherwise necessary to fulfill obligations or exercise rights under the Distributorship Agreement;
- To respond to your inquiries and requests;
- To provide or facilitate providing you with products and services;
- To create, use or make changes (for example, corrections, updates, or deletions) to your account within the Service;
- To send you information about your relationship or transactions with us;
- To provide the Service to you, including any notifications about changes to the Service, our policies, terms or any products or services we offer or provide through it;
- To improve the Service and to develop new products or services;
- To identify you as a user of a Service and make any verification regarding you or your agent;
- To provide you with customized Service content, targeted offers, and advertising on the Service or via email or mail;
- To allow you to participate in contests, giveaways, surveys and questionnaires;

- To contact you with information, including marketing and advertising information, that we believe will be of interest to you, either by us or a third party;
- To customize our marketing and advertising;
- For testing, research, analysis and product and service development that we or a third party can perform regarding the Service (for example, user base and Service usage);
- To collect, compile and/or create anonymous data, which we or a third party can do, subject to applicable law, and which we or a third party can use for any purpose, subject to applicable law;
- To analyze how you use the Service and to analyze the Service, which we or a third party can do;
- To allow us to personalize and enhance your experience using the Service;
- To manage our telecommunications networks;
- To send you electronic communications (for example, emails);
- To run advertising on third party websites;
- To allow you to participate in interactive features on the Service;
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us;
- To investigate, and deter against fraudulent, unauthorized, or illegal activity and otherwise protect our users and our business;
- To administer and troubleshoot the Service;
- In any other way we describe to you at the time you provide your information; and
- As otherwise stated in this Privacy Policy and the Terms.

Please see Information Collection and Cookies and Other Technologies; Do Not Track above and Disclosing Information, Children’s Privacy, Storage, Retention, Choices Regarding Your Information and Your California Privacy Rights below.

5. DISCLOSING INFORMATION

Information can be disclosed to third parties in accordance with this Privacy Policy, subject to applicable law. Please note that a user can choose not to share certain information. Please see Information Collection, Cookies and Other Technologies; Do Not Track and Information Use above and Children’s Privacy, Storage, Retention, Choices Regarding Your Information and Your California Privacy Rights below.

a. **Third Parties and Service Providers.** We can use third parties or service providers, including retailers that work with the Distributor or us, to perform functions in connection with the Service (for example, providing products or services, data analysis, enhancing the information collected from or about you, business, professional or technical support activities, etc.). We may contract with third parties or service providers to facilitate selling merchandise offered on the Service, including processing payments, fulfilling orders, to send communications via email and/or mail, to provide advertising and marketing services, to support Service functionality, to support contests, giveaways, surveys, questionnaires and other features offered through the Service, to provide customer service and to provide ecommerce services. In addition, a third party social

networking service can make information from or about you available to us. Please see Choices Regarding Your Information - Social Networking below. We can use third parties or service providers to perform any of the actions or activities allowed under this Privacy Policy. We can share information about you that they need to perform their functions and in accordance with our agreements with them.

b. **Subsidiaries and Affiliates.** We can also share your information with any subsidiary or affiliate of ours for purposes consistent with this Privacy Policy. Any subsidiary or affiliate of ours will be required to maintain that information in accordance with this Privacy Policy.

c. **Direct Marketing.** We can share personal information with third parties for such third parties' direct marketing purposes. Please see Your California Privacy Rights below.

d. **Business Changes.** If we become involved in a merger, acquisition, sale of assets, divestiture, joint venture, securities offering, financing, bankruptcy, reorganization, liquidation, dissolution, or other transaction or if the ownership of all or substantially all of our business otherwise changes, we can share or transfer your information to a third party or parties and it can be used subsequently by such third party or parties.

e. **Investigations and Law.** To the extent permitted by applicable law, we can disclose information about you to third parties to:

- Enforce or apply the Terms and other agreements;
- Comply with law, in response to subpoenas, warrants, or court orders, or in connection with any law or legal process or cooperate with government or law enforcement agencies or officials or private parties, including laws outside of your country of residence;
- Protect our rights, reputation, safety and property or in an emergency, or that of our users or others;
- Resolve disputes;
- Protect against legal liability;
- Establish or exercise our rights to defend against legal claims; or
- Investigate, prevent or take action regarding suspected illegal activities, suspected fraud, the rights, reputation, safety or property of us, users or others, violation of the Terms, our policies or agreements or as otherwise required by law.

f. **Service Analysis.** We or a third party can analyze how you use the Service and can analyze the Service.

g. Anonymized Information. We can share anonymized information relating to visitors to and users of the Service with any third party for any purpose, subject to applicable law.

h. With Your Consent. We can share your information other than as described in this Privacy Policy if we notify you and you consent to this sharing.

i. At Your Request. We can share your information with any other individual or third party or service provider at your request.

j. For Any Other Purpose with Notice by Us. For any other purpose for which we provide you with notice, subject to applicable law.

k. Cookies and Other Technologies; Do Not Track. Please see Cookies and Other Technologies; Do Not Track above.

6. LINKS TO OTHER WEBSITES

This Privacy Policy applies only to the Service. The Service may have links to third-party websites, mobile applications or resources, to which this Privacy Policy does not apply. The links from the Service do not imply that we endorse or have reviewed these websites, mobile applications or resources. The policies and procedures we describe here do not apply to these websites, mobile applications or resources. We neither can control nor are responsible for the privacy practices or content of these websites, mobile applications or resources. We suggest reviewing the privacy policies of these websites, mobile applications and resources.

7. CHILDREN'S PRIVACY

We do not knowingly collect personal information from individuals under age 18. If you are under the age of 18, please do not access, use, or submit any personal information through the Service. If you have reason to believe that we may have accidentally received personal information from an individual under age 18, please contact us immediately via <https://mckeefoods.com/194/privacy-questions>.

8. SECURITY

Although we take physical, technological and administrative measures to protect the information you provide through the Service against accidental or unlawful destruction, loss or alteration and from unauthorized access, use, or disclosure, we cannot guarantee its absolute security. No Internet or electronic communication transmission is ever fully secure or error free. Internet or electronic communications, including those sent through the Service, may not be secure. You should use caution whenever submitting information through the Service and take special care in deciding which information you provide to us. We encourage you to take steps to help protect the confidentiality and security of your online account and your information, including by doing the following:

- Reviewing your online account periodically and immediately reporting any unexpected activity or unrecognized information;
- Installing the latest security updates and anti-virus software on your computer to help prevent malware and viruses;
- Password protecting your computer;
- Using complex passwords, not using the same password on more than one website or online service and not sharing your password with others; and
- Signing out or logging off of website and online service sessions so that your session is closed, especially when using a public computer.

9. STORAGE

Your personal information is stored on servers in various locations, including the United States. Your personal information may be disclosed in response to inquiries or requests from government authorities in the countries in which we operate. United States federal and state governments, courts, or law enforcement or regulatory agencies may be able to obtain disclosure of your information through laws applicable in the United States. By using the Service, you understand that your information can be transferred to countries outside of your country of residence, including the United States, which may have data protection rules that are different from those of your country.

Please see Information Collection, Cookies and Other Technologies; Do Not Track, Information Use, Disclosing Information and Children's Privacy above and Retention, Choices Regarding Your Information and Your California Privacy Rights below.

10. RETENTION

McKee Foods will retain your personal information for as long as reasonably necessary for the purposes outlined in this Privacy Policy, while we have a legitimate business need to do so in connection with your account, or as required by law (for example, for legal, tax, accounting or other purposes), whichever is the longer.

If you have elected to receive email communications from us, we retain information about your email preferences until you opt out of receiving these email communications and in accordance with our policies.

To determine the appropriate retention period for your personal information, we will consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorized use or disclosure of your personal information, the purposes for which we use your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements. In certain circumstances, we can anonymize your personal information, subject to applicable law.

Please see Information Collection, Cookies and Other Technologies; Do Not Track, Information Use, Disclosing Information, Children's Privacy and Storage above and Choices Regarding Your Information and Your California Privacy Rights below.

11. CHOICES REGARDING YOUR INFORMATION

You have choices regarding your information on the Service.

a. Changing Your Information. You can make changes to your information, including accessing your information, correcting or updating your information or deleting your information by contacting us via <https://mckeefoods.com/194/privacy-questions>.

b. Email Communications. You can make changes regarding receiving emails from us by contacting us via <https://mckeefoods.com/194/privacy-questions>. You also can opt out of receiving marketing emails from us by following the opt out or unsubscribe instructions in each such email.

c. Cookies and Other Technologies; Do Not Track. Please see Cookies and Other Technologies; Do Not Track above.

d. Social Networking. You should make sure you are comfortable with the information that a third party social networking service can make available to us by carefully reviewing the service's privacy policy and terms and conditions and by modifying your privacy settings directly on that service.

e. Please see Retention above.

Please see Information Collection, Cookies and Other Technologies; Do Not Track, Information Use, Disclosing Information, Children's Privacy, Storage and Retention above and Your California Privacy Rights below.

12. CONTACT INFORMATION

If you have any comments or questions about this Privacy Policy or the practices described herein, you may contact us via mail, toll-free telephone, email or online, as follows:

Mail:

McKee Foods Corporation
Attn: Legal Department
P.O. Box 750
Collegedale, TN 37315

Toll-free telephone:
(800) 522-4499

Email:

privacy@mckee.com

Online:

<https://mckeefoods.com/194/privacy-questions>

13. YOUR CALIFORNIA PRIVACY RIGHTS

Section 1798.83 of the California Civil Code permits individuals who are California residents to request from a business, with whom the California residents have an established business relationship, certain information about the types of personal information the business has shared with third parties for those third parties' direct marketing purposes and the names and addresses of the third parties with whom the business has shared such information during the immediately preceding calendar year. You can make one request each year by emailing us at privacy@mckee.com with "Request for California Privacy Information" in the subject line.

14. REVISIONS TO THIS PRIVACY POLICY

We reserve the right to update or modify this Privacy Policy at any time and from time to time. Please review this Privacy Policy periodically, and especially before you provide any information. This Privacy Policy was made effective on the date indicated above.