

Last Updated: April 23, 2024

## PRIVACY POLICY

This Privacy Policy (this “Policy”) familiarizes you with our privacy practices connected to your use of our online interfaces and properties (e.g., website(s)) owned and controlled by PowerGranate LLC, a Texas Limited Liability Company (“Company” or “we”), and services and products (“Service” and “Product”) made available to you through our website <https://powergranate.co> (“Website”) and in any other way. Terms used in this Policy have the meaning prescribed to them under our General Terms and Conditions (“our Terms”, “Agreement”) unless otherwise provided herein. This Privacy Policy also functions as a Collection Notice.

1. **Purpose.** This Policy discloses Company’s information collection, share and dissemination practices in connection with our Website and our Service. Please, remember that your use of the Website and Company’s Product and Service is also subject to our Terms. This Policy also addresses Personal Information that you provide to us in other contexts (e.g., through a business relationship not handled through the Website), unless otherwise is defined by applicable law or the parties’ agreement.
2. **Acceptance of Policy.** By using the Website, you agree with this Policy being an integral part of our Terms. Please, be aware that if you do not agree to any provision of this Policy or do not accept its terms, you must not access to the Website and/or use our Service or Product. Definitions, terms and conditions not specified in this Policy are defined in our Terms.
3. **Our Commitment.** We are committed to maintaining the privacy and security of your Personal Information, and we appreciate that information may be particularly sensitive. Company respects the privacy of all users of our Website.
4. **Information We Collect and Process.** We may collect through the Website, from other sources like third – party services, and optional programs in which you participate, store, use, process, share and disclose your personal information and sensitive personal information (“**Personal Information**”), and information about your activities and devices, particularly:
  - full name;
  - date of birth;
  - home address;
  - e-mail address;
  - phone number;
  - social security number, driver’s license, state identification card, or passport number;
  - gender;
  - precise geolocation information (including GPS and WiFi data), IP address, the browser used, version of operating system, identity of carrier and manufacturer, radio type (such as 4G), preferences and settings (such as preferred language), application installations, device identifiers, advertising identifiers, and push notification tokens;
  - information about your interactions with the Website like the pages and content you view and the dates and times of your use;
  - payment information, financial account, debit or credit card number in combination with any required security or access code, password, or credentials;
  - account log-in, password, or credentials allowing access to an account;
  - any other personal information you may voluntarily disclose on the Website from time to time (for instance, saved addresses (e.g., home or work), preferred pronouns);
  - contents of the messages or attachments you send us.

Company processes personal data both manually and by automated means. The processing of personal data by automated means takes place in particular for the purposes of performance of a contract and offering Product/Service. Company may collect, store and use certain information by automated means, such as statistical information whenever you visit the Website.

**Cookies, Analytics, and Third-Party Technologies.** We collect information through the use of “cookies”, tracking pixels, data analytics tools like Google Analytics, SDKs, and other third-party technologies to understand how you navigate through the Website and interact with advertisements, to tailor our social media advertising, to make your experience with us safer, to learn what content is popular, to improve your Website experience, to serve you better ads on other sites, and to save your preferences. Those cookies are set by us and called first-party cookies. We also use third-party cookies – which are cookies from a domain different than the domain of the Website you are visiting – for our advertising and marketing efforts. Cookies are small text files that web servers place on your device; they are designed to store basic information and to help websites and apps recognize your browser. We use cookies and other tracking technologies in the following manner: Session cookie – these are cookies which expire at the end of the browser session; Persistent cookie – these are cookies which are stored on your terminal equipment for longer than one browser session. They allow for your preferences, derived from actions on one or multiple sites, to be remembered. You can prevent your web browser from accepting new cookies or disabling cookies altogether. The “Help” feature on most browsers contains those settings. If you block or otherwise reject our cookies, you may not be able to register and/or use your personal account on the Website, add items to your shopping cart or proceed to checkout.

**Third Party Services.** Third party services provide us with information needed for core aspects of the Website, as well as for additional services, programs, loyalty benefits, and promotions that can enhance your experience. These third-party services can include financial service providers, marketing providers, and other businesses. We may obtain the following additional information about you from these third-party services:

- Information to make the Website safer;
- Information to operationalize loyalty and promotional programs, such as information about your use of such programs; and
- Information about you provided by specific services, such as demographic and market segment information.

5. **How We Use Your Information.** We use your Personal Information for the following purposes:

- Providing with Service.** We use your Personal Information to provide you with our Service, an intuitive, useful, efficient, and worthwhile experience on our Website. To do this, we use your Personal Information to: respond to your inquiries and fulfill your requests; verify your identity and maintain your account, settings, and preferences; calculate prices and process payments; keep a record of your contact information and correspondence and use it to respond to you via e-mail or other means of communication, communicate with you and collect feedback about your experience with us; send administrative information, for example information regarding the Website and changes to our Terms; facilitate additional services and programs with third parties.
- Maintaining Safety and Security, Improving the Website.** We are always working to improve your experience and provide you with new and helpful features. To do this, we use your Personal Information to: perform research, testing, and analysis; develop new products, features, partnerships, and services; authenticate users; find and prevent fraud; and block and remove unsafe or fraudulent users from the Website; prevent, find, and resolve software or hardware bugs and issues; and monitor and improve our operations and processes, including security practices, algorithms, and other modeling.
- Building and maintaining the Community.** We work to be a positive part of the community. We may use your Personal Information to: communicate with you about events, promotions, elections, and campaigns; personalize and provide content, experiences, communications, and advertising to promote and grow the Website. We may also use your Personal Information to deliver advertisements and marketing communications to you that we believe may be of interest. Marketing communications that you receive from us may include (i) advertisements for our Product, and (ii) advertisements for other goods or services.

D. **Customer Support.** We work hard to provide the best experience possible, including supporting you when you need it. To do this, we use your Personal Information to: investigate and assist you in resolving questions or issues you have regarding the Website; and provide you support or respond to you.

E. **Compliance and Responding to Legal Proceedings.** Sometimes the law, government entities, or other regulatory bodies impose demands and obligations on us with respect to the products or services we seek to provide. In such a circumstance, we may use your Personal Information to respond to those demands or obligations. We also collect, use and process your Personal Information as may be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public and government authorities including public and government authorities outside your country of residence; (d) to enforce our Terms; (e) to protect our operations or those of any of our affiliates; (f) to protect our rights, privacy, safety or property, and/or that of our affiliates, you, or others; and (g) to allow us to pursue available remedies or limit the damages that we may sustain.

6. **Consent to disclosure.** We treat all your Personal Information strictly confidentially, and we do not sell, publish, or otherwise share it with any third parties, unless specified otherwise in our Terms, and unless we need to share some of your information with our affiliates, your contracting parties, payment processor, web-hosting, website-related consulting and monitoring, data analysis, information technology service provider or other third-party service providers for purposes of providing our Product or Service to you. You acknowledge and agree that we may disclose your Personal Information to enable third parties for the legitimate purposes specified above.

You acknowledge and agree that we may disclose your Personal Information if required to do so by law or in the good faith belief that such disclosure is reasonably necessary to: (a) comply with a current judicial proceeding, a court order or legal process served on us, (b) enforce our Terms; (c) protect our rights, property or personal safety of our Company, its members, agents, employees, users, and the public; or (d) enable the transfer or sale to another entity of all or substantially all assets in the line of our business, or upon any other Company reorganization, subject to the promises made in our Terms.

7. **Records Retention and Protection of Your Personal Information.** We retain your Personal Information within the period of your using our Website, providing you Service or Product and then within the period reasonably necessary for the disclosed purposes, unless applicable laws state otherwise. This means we keep your profile information for as long as you maintain an account. We retain transactional information, such as payments, for at least seven years after the transaction date to ensure we can perform legitimate business functions, such as accounting for tax obligations. We take reasonable and appropriate measures designed to protect Personal Information, but no security measures can be 100% effective, and we cannot guarantee the security of your information, including against unauthorized intrusions or acts by third parties.

8. **Your Rights and Choices Regarding Your Personal Information.** As explained more below, we provide ways to exercise your rights to your Personal Information.

#### **8.1. RIGHT TO NON-DISCRIMINATION**

We cannot deny Service, charge you a different Product price, or provide a different level or quality of Product or Service just because you exercised your rights under the relevant Data Protection Law. However, if you refuse to provide your Personal Information to us or ask us to delete your Personal Information, and that Personal Information is necessary to provide you with Product or Service, we may not be able to complete the relevant transaction.

#### **8.2. RIGHT TO KNOW / ACCESS**

You may request that we disclose to you what Personal Information we have collected, used or shared about you, and why we collected, used or shared that information. Specifically, you may request that we disclose:

- The categories of Personal Information collected.
- Specific pieces of Personal Information collected.
- The categories of sources from which we collected Personal Information.
- The purposes for which we use the Personal Information.
- The categories of third parties with whom we share the Personal Information.
- The categories of Personal Information that we disclose to third parties.

We must provide you this information free of charge and for the 12-month period preceding your request (in California – for and within the records retention period).

There are some exceptions to the right to know. Common reasons why we may refuse to satisfy your request include:

- We do not retain Personal Information once the records retention period expires.
- We cannot verify your request.
- The request is manifestly unfounded or excessive, or we have already provided Personal Information to you more than twice in a 12-month period.
- We cannot disclose certain sensitive information, such as your social security number, financial account number, or account passwords, but we must tell you if we're collecting that type of information.
- Disclosure would restrict our ability to comply with legal obligations, exercise legal claims or rights, or defend legal claims.
- If the Personal Information is certain medical information, consumer credit reporting information, or other types of information exempt by law.

### **8.3. RIGHT TO DELETE**

In most circumstances, we will securely delete or dispose of Personal Information when we no longer need it for our legitimate business purposes outlined in this Policy. Our approach to retention is outlined in our records retention schedule.

You may request that we delete Personal Information we collected from you and to tell our service providers to do the same. However, there are many exceptions that allow us to keep your Personal Information.

There are exceptions to the right to delete. Common reasons why we may keep your Personal Information despite your request to delete it include:

- We cannot verify your request.
- To complete your transaction, provide a reasonably anticipated Service, or for certain warranty and Product recall purposes.
- For certain business security practices.
- For certain internal uses that are compatible with reasonable consumer expectations or the context in which the information was provided.
- To comply with legal obligations, exercise legal claims or rights, or defend legal claims.
- If the Personal Information is certain medical information, consumer credit reporting information, or other types of information exempt by law.

### **8.4. RIGHT TO CORRECT AND RESTRICT / RECTIFY**

You may request to correct inaccurate Personal Information, restrict sensitive Personal Information processing, update, suppress, or otherwise modify, any of your Personal Information that you have previously provided to us, or object to the use or processing of such information by us. In your request, please make clear what information you would like to have changed; whether you would like to have your Personal Information suppressed from our database or otherwise modified; or let us know what limitations you want to place upon your Personal Information. For your protection, we may only implement requests with respect to your Personal Information associated with the particular e-mail address that you use to send us your request, and we may need to verify your identity before implementing your request. We will try to comply with your request as soon as reasonably possible. Please note that we may need to retain certain information for recordkeeping purposes, and there may also be residual information that will remain within our databases and other records, which will not be removed as defined hereby.

## 8.5. RIGHT TO DATA PORTABILITY

If you wish Company to transfer Personal Information we are processing about you electronically on the basis of a contract or your consent, to a third party, you may exercise your right to data portability. In the event the exercise of this right adversely affects the rights and freedoms of others, Company will not be able to perform your request.

## 8.6. RIGHT TO OBJECT

You have the right to object to the processing of your Personal Information for the performance of a task carried out in the public interest or in the exercise of official authority, or for protection of the Company's legitimate interests. Unless Company demonstrates that compelling legitimate grounds for the processing of your Personal Information exist which override your legitimate interests, rights and freedoms, the processing will be discontinued without undue delay.

## 8.7. REQUEST TO KNOW / TO CORRECT / TO RESTRICT / TO DELETE

Make sure you submit your request to know / to correct / to restrict or to delete your Personal Information through one of our designated methods specified in the "Contact" section below. If our designated method of submitting request is not working, notify us in writing and consider submitting your request through another designated method if possible.

We must respond to your request within 45 calendar days. We can extend that deadline by another 45 days (90 days total) if we notify you of it. If you submitted a request and have not received any response within the timeline, check this Policy to make sure you submitted your request through the designated way.

We must verify that the person making a request is the user whose Personal Information we possess. We may need to ask you for additional information for verification purposes. If we ask for Personal Information to verify your identity, we can only use that information for this verification purpose.

If you do not know why we denied your request, follow up with us to ask us for our reasons.

If you submit a request to our third party contractor instead of us, our third party contractor may deny the request. You must submit your request to us.

Where requests to exercise the above rights are repetitive or manifestly unfounded, Company may either charge a reasonable fee for the exercise of the relevant right, or refuse to act on the request. If this is the case, you will be informed accordingly.

## 8.8. OTHER WAYS OF RIGHTS EXERCISE

- i. **Email Subscriptions.** You can always unsubscribe from our commercial or promotional emails by clicking unsubscribe in those messages.
- ii. **Text Messages.** You can opt out of receiving text messages by contacting us as provided below ("Contact Us"). Note that opting out of receiving texts may impact your use of the Website.
- iii. **Push Notifications.** You can opt out of receiving push notifications through your device settings. Please, note that opting out of receiving push notifications may impact your use of the Website.
- iv. **Profile Information.** You can review and edit certain account information you have chosen to add to your profile by logging into your account settings and profile.
- v. **Location Information.** You can prevent your device from sharing location information through your device's system settings. But if you do, this may impact our ability to provide you our full range of features and services.

- vi. **Cookie Tracking.** You can modify your cookie settings on your browser, but if you delete or choose not to accept our cookies, you may be missing out on certain features of the Website.
- vii. **Do Not Track.** Your browser may offer you a “Do Not Track” option, which allows you to signal to operators of websites and web applications and services that you do not want them to track your online activities. The Website may not support Do Not Track requests.
- viii. **Right to Delete.** If you would like to delete your account at the Website and you have not placed orders that are not yet processed, please, visit our Website. In some cases, we will be unable to delete your account, such as if there is an issue with your account related to trust, safety, or fraud. When we delete your account, we may retain certain information for legitimate business purposes or to comply with legal or regulatory obligations. For example, we may retain your Personal Information to resolve open payment claims, or we may be obligated to retain your Personal Information as part of an open legal claim. When we retain such data, we do so in ways designed to prevent its use for other purposes. In most circumstances, we will securely delete or dispose of Personal Information when we no longer need it for our legitimate business purposes outlined in this Policy.

### **8.9. CALIFORNIA RESIDENTS: Your California Privacy Rights.**

Under the California Consumer Privacy Act of 2018 (“CCPA”), California residents have certain rights regarding our collection, use, and sharing of their Personal Information. We do not sell your Personal Information and will not do so in the future without providing you with notice and an opportunity to opt-out of such sale as required by law. Similarly, we do not offer financial incentives associated with our collection, use, or disclosure of your Personal Information. We collect various categories of Personal Information when you use the Website, including Cookies, commercial information, internet or other electronic network or device activity information, geolocation data, and professional information.

You have the right to know what Personal Information has been collected about you, to access that information, and to rectify your Personal Information (correct, update or modify). You also have the right to request deletion of your Personal Information, though exceptions under the CCPA may allow us to retain and use certain Personal Information notwithstanding your deletion request. You can learn more about how to submit a data rights request by contacting us by methods listed below in the “Contact Us” section. We will not discriminate against you for exercising your rights under the CCPA. An agent may submit a request on your behalf, but you must verify that your agent is authorized to do so.

We generally do not collect sensitive personal data, which is data such as your social security, driver’s license, state identification card, or passport number; religious or philosophical beliefs, racial or ethnic origin, health or medical information (other than for the purpose of processing your order or request), genetic or biometric data, bank account, debit card, or credit card number in combination with any required security or access code information (other than for the purpose of processing your order) or other similar sensitive personal data as such term is defined under applicable law. If we reasonably need to collect any sensitive personal data from you, we will obtain your consent for the collection of such sensitive personal data as may be required under applicable law.

Separate from the CCPA, California’s Shine the Light law gives California residents the right to ask companies what Personal Information they share with third parties for those third parties’ direct marketing purposes. We do not disclose your Personal Information to third parties for the purpose of directly marketing their goods or services to you unless you request such disclosure. If you have any questions regarding this policy, or would like to change your preferences, you may contact us by methods listed below in the “Contact Us” section.

### **8.10. NEVADA RESIDENTS: Your Nevada Privacy Rights.**

Nevada law (SB 220) requires website operators to provide a way for Nevada consumers to opt out of the sale of certain information that the website operator may collect about them. We do not sell your Personal Information to third parties as defined in Nevada law, and will not do so in the future without providing you

with notice and an opportunity to opt-out of such sale as required by law. If you have any questions regarding our data privacy practices or our compliance with Nevada data privacy law, please contact us at the email address listed below in the "Contact Us" section.

#### **8.11. GDPR Compliance.**

As the Website and/or our Service or Product are not intended to be used by individuals residing in the European Union, our Website is not advertised or directed towards individuals residing in the European Union.

However, we make good faith efforts to comply with the European Union General Data Protection Regulation ("**GDPR**"). We fully protect the subject's personal data from misuse in accordance with applicable law, in particular while respecting the principles and rules set out in the Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). We process personal data on the basis of the compliance with a legal obligation, performance of a contract, legitimate interests of the controller, and on the basis of consent of the data subject.

Company is a controller of your personal data. This means that Company collects, stores and uses (and otherwise processes) your personal data in pursuance of its business (the purposes for which data are processed are described in more detail herein), which consists primarily of the provision of Company's Product and Service.

9. **Children's Data.** The Website is not intended for direct use by children, and we don't knowingly collect Personal Information from children under the age of 18 unless such data is provided by their parents or lawful guardians. If you believe that a child under the age of 18 has given us Personal Information without his/her parents' or lawful guardians' permission, please Contact Us.
10. **Third-party Websites.** The Website may contain links to third-party websites, plug-ins and applications (collectively, hereinafter "**Links**"). Clicking Links may allow third parties to collect or share data about you. We do not control these third-party sites or applications, and are not responsible for their privacy statements, policies, or terms. When you leave the Website, we encourage you to read the privacy notices, policies, and terms of every other site which you visit. Links may or may not have our authorization, and we may block any Links to or from the Website. Your use of third-party Links is at your own risk. You acknowledge and agree that we shall not be responsible or liable, directly or indirectly, for any damage or loss caused or alleged to be caused by or in connection with the use of any such Links, or reliance on any such content, goods or services available on or through any such Links.
11. **Changes to This Privacy Policy.** We may update this Policy from time to time as the Website changes and privacy law evolves. If we update it, we will do so online, and if we make material changes, we will let you know through the Website or by some other method of communication like email. When you use the Website, you are agreeing to the most recent terms of this Policy.
12. **Dispute Resolution.** Any dispute, claim, or controversy arising out of or relating to this Policy or previous Privacy Policy statements shall be resolved through negotiation or dispute resolution as provided in our Terms.
13. **Entire Agreement.** This Policy hereby incorporates by reference any additional terms that we post on the Website (including, without limitation, our Terms) and, except as otherwise expressly stated herein, this Policy is the entire agreement between you and us relating to the subject matter hereof and supersedes any and all prior or contemporaneous written or oral agreements or understandings between you and us relating to such subject matter.
14. **Contact Us.** If you have any questions or comments about this Policy or our privacy practices, please contact us (submit your request) via e-mail at [info@powergranate.co](mailto:info@powergranate.co). To the extent you are required to

send a written request to us to exercise any right described in this Policy, you must submit your request to:

**PowerGranate LLC**

**Address:** 1602 Martinez Ln, Bldg 200, Wylie, TX 75098

**Email:** [info@powergranate.co](mailto:info@powergranate.co)

You may also make a complaint to your local data protection authority.

All materials © 2024 PowerGranate LLC, unless otherwise noted. All rights reserved.