

# Privacy Policy

This privacy policy ("Policy") describes how the personally identifiable information ("Personal Information") you may provide on the Giftsenda.com website ("Website" or "Service") and any of its related products and services (collectively, "Services") is collected, protected and used. It also describes the choices available to you regarding our use of your Personal Information and how you can access and update this information.

This Policy is a legally binding agreement between you ("User", "you" or "your") and Giftsenda LLC ("Giftsenda LLC", "we", "us" or "our"). By accessing and using the Website and Services, you acknowledge that you have read, understood, and agree to be bound by the terms of this Policy. This Policy does not apply to the practices of companies that we do not own or control, or to individuals that we do not employ or manage.

## Definitions

Below is a list of terms used in this policy and their meanings:

- Customer - is any person or entity that has entered into a Subscription Agreement with Giftsenda as available on any page of the Giftsenda site or other Giftsenda contracts; this includes free accounts. In addition, it also includes authorized users of said accounts.
- Visitor - this includes any person(s) who enter into any of the Giftsenda Sites, or engages with Giftsenda on social media, email, or other marketing or recruitment activities. It does not include any person(s) who is a Gift Recipient, or a person who clicks on a gift invitation code or link.
- User - refers to any individual who receives gifts or uses services from the Giftsenda and [www.Giftsenda.com](http://www.Giftsenda.com).
- Gift Recipient - refers to the person sent a Giftsenda gift invite or any person that a Giftsenda representative contacts through our service, email, or phone, in order to deliver a gift invitation.
- Platform - refers to <http://app.giftsenda.com> and all subpages.
- Giftsenda Site or Website - refers to [www.Giftsenda.com](http://www.Giftsenda.com) and all subpages.
- Personal Information - refers to any information that can be used to identify a specific individual, or directly identifies them. This includes but is not limited to: date of birth, email address, phone number, job title, full name, and other identifying information.

## Information Collected Directly from the Website:

- Device information: such as IP address, OS, browser ID, device type and device ID, and other available information about the system the Customers use to connect to Giftsenda Sites.
- Account Log-In information.
- Business and Personal Contact Information. Including but not limited to: Customer's name, job title, work and personal phone number, email address, and location.
- Data volunteered by the customer, such as the support date provided when submitting a ticket or form.
- Log Data: We have the right to collect and track data for each time a device interacts with our services.
- Usage Data: We may collect usage data each time the Customer interacts with our site. This includes date and times the Customer accessed our Site, Customer's browsing activities (like what pages were accessed and for how long).

## Information collected from Gift Recipients

Giftsenda respects the privacy of information Gift Recipients provide directly to Giftsenda, or that Giftsenda receives from you, or collects from the Gift Recipients' access and use of the Giftsenda sites.

We collect Gift Recipient information in the following ways:

- Directly from the Gift Recipients
- From our Customers
- From third-party service providers.

The personal information that we collect about Gift Recipients falls generally into the following categories:

## Information About Gift Recipients Given to us by Customers

Customers may provide Giftsenda with Personal Information about Gift Recipients through their Subscription Service. The Customer may upload this contact information manually or through integration with CRMs to the Subscription Service. The information the Customer provides us

about the Recipient includes things such as name, email, address, work address, phone number, and work title or position.

The Customer is responsible for any Recipient data they provide to us, as we cannot verify if this information is correct or even where they obtained it.

## **Information We Get Directly From Recipients:**

Some Personal Information we collect directly from the Gift Recipients when they interact with Giftsenda, Giftsenda Sites, or emails from us. This can be collected in the following ways:

- When a recipient uses a gift invitation code or link to enter into the Giftsenda Marketplace.
- Over the phone or email with a Giftsenda representative.
- By submitting inquiries or otherwise contacting Giftsenda

The information that we collect from Recipients includes the Gift Recipient's name, address, email, phone number, gift details and preferences, and requests for meetings.

## **Information Collected Automatically:**

Each time a Gift Recipient interacts with an email campaign sent from a Customer using the Service, we may collect the following information:

- Device information: such as IP address, OS, browser ID, device type and device ID, and other available information about the system Gift Recipients use to connect to Giftsenda Sites.
- Business and Personal Contact Information. Including but not limited to: Recipient's name, job title, work and personal phone number, email address, and location.
- Data volunteered by the Recipient, such as the support date provided when submitting a ticket or form.
- Log Data: We have the right to collect and track data for each time a device interacts with our services.
- Usage Data: We may collect usage data each time the Recipient interacts with our site. This includes the date and times the Recipient accessed our Site, Recipient's browsing activities (like what pages were accessed and for how long).

We collect this information either directly from the Recipient using form requests, or automatically using cookies or other tracking technologies. In some instances, we may collect information about Gift Recipients using other third-party data sources, like social media.

## Automatic Collection of Information

When you visit the Website, we automatically record the information that your browser sends. You can look at the kind of information collected automatically from the Website below:

### Analytics

We use Google Analytics to help us analyze how users use the Website. This data is then used to enhance your experience when you use the Website. To look at how Google uses this data, go [here](#).

### Cookies

The Website and Services use "cookies" to help personalize your online experience. A cookie is a text file that is placed on your hard disk by a web page server. Cookies cannot be used to run programs or deliver viruses to your computer. Cookies are uniquely assigned to you and can only be read by a web server in the domain that issued the cookie to you.

We may use cookies to collect, store, and track information for statistical purposes to operate the Website and Services. You have the ability to accept or decline cookies. Most web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. If you choose to decline cookies, you may not be able to fully experience the features of the Website and Services. Click here to learn more about cookies and how they work.

### Do Not Track Signals

Some browsers incorporate a Do Not Track feature that signals to websites you visit that you do not want to have your online activity tracked. Tracking is not the same as using or collecting information in connection with a website. For these purposes, tracking refers to collecting personally identifiable information from consumers who use or visit a website or online service as they move across different websites over time.

The Website and Services do not track its visitors over time and across third-party websites. However, some third-party sites may keep track of your browsing activities when they serve you content, which enables them to tailor what they present to you.

# Collection of Personal Information

You can access and use the Website and Services without telling us who you are or revealing any information by which someone could identify you as a specific, identifiable individual. If, however, you wish to use some of the features on the Website, you may be asked to provide certain Personal Information (for example, your name and email address). We receive and store any information you knowingly provide to us when you create an account, make a purchase, or all online forms on the Website. When required, this information may include the following:

- Personal details such as name, country of residence, etc.
- Contact information such as email address, address, etc.
- Account details such as user name, unique user ID, password, etc.
- Payment information such as credit card details, bank details, etc.
- Geolocation data such as latitude and longitude.
- Any other materials you willingly submit to us, such as articles, images, feedback, etc.

Some of the information we collect is directly from you via the Website and Services. However, we may also collect Personal Information about you from other sources such as public databases, social media platforms, third-party data providers, and our joint marketing partners. Personal Information we collect from other sources may include demographic information, such as age and gender, device information, such as IP addresses, location, such as city and state. As well as online behavioral data, such as information about your use of social media websites, page view information, and search results and links. You can choose not to provide us with your Personal Information, but then you may not be able to take advantage of some of the features on the Website.

Users who are uncertain about what information is mandatory are welcome to contact us.

# Use and Processing of Collected Information

In order to make the Website and Services available to you, or to meet a legal obligation, we may need to collect and use certain Personal Information. If you do not provide the information that we request, we may not be able to provide you with the requested products or services. Any of the information we collect from you may be used for the following purposes:

- Create and manage user accounts,
- Fulfill and manage orders,
- Deliver products or services,
- Send marketing and promotional communications,
- Respond to inquiries and offer support,
- Request user feedback,

- Improve user experience,
- Enforce terms and conditions and policies,
- Protect from abuse and malicious users, and,or
- Run and operate the Website and Services

Processing your Personal Information depends on how you interact with the Website and Services, where you are located in the world, and if one of the following applies:

- You have given your consent for one or more specific purposes; this, however, does not apply whenever the processing of Personal Information is subject to California Consumer Privacy Act or European data protection law.
- Provision of information is necessary for the performance of an agreement with you and/or for any pre-contractual obligations thereof.
- Processing is necessary for compliance with a legal obligation to which you are subject.
- Processing is related to a task that is carried out in the public interest or in the exercise of official authority vested in us.
- Processing is necessary for the purposes of the legitimate interests pursued by a third party or by us.

Note that we may be allowed to process information under some legislations until you object to such processing (by opting out), without having to rely on consent or any other of the following legal bases below. In any case, we will be happy to clarify the specific legal basis that applies to the processing, particularly whether the provision of Personal Information is a statutory or contractual requirement or a requirement necessary to enter into a contract.

## Billing and Payments

In case of services requiring payment, we request credit card or other payment account information, which will be used solely for processing payments. Your purchase transaction data is stored only as long as it is necessary to complete your purchase transaction. After that is complete, your purchase transaction information is deleted. You also have the option to save your payment information in your account, which stores minimal information in the system's secure payment center.

All direct payment gateways adhere to the latest security standards as managed by the PCI Security Standards Council, which is a joint effort of brands like Visa, MasterCard, American Express, and Discover. Sensitive and private data exchange happens over an SSL-secured communication channel and is encrypted and protected with digital signatures.

The Website and Services are also in compliance with PCI vulnerability standards in order to create as secure of an environment as possible for Users. Scans for malware are performed on a regular basis for additional security and protection.

## Managing Information

You can delete certain Personal Information we have about you. The Personal Information you can delete may change as the Website and Services change. When you delete Personal Information, however, we may maintain a copy of the unrevised Personal Information in our records for the duration necessary to comply with our obligations to our affiliates and partners and for the purposes described below.

If you would like to delete your Personal Information or permanently delete your account, you can do so by contacting us.

## Disclosure of Information

We will not share personal information about you or your recipients with any third parties without your consent except as described in this Privacy Policy or as defined in any agreement with us. We may share your or your recipients' personal information for the following reasons: For example, we may share personal information about you or your recipients:

- **To Vendors or Partners:** We have the right to share necessary personal information with third-party vendors, partners, and delivery agents to complete any gift deliveries and services you request through the Website.
- **In Compliance with Laws:** We will respond to any legal requests for personal information in compliance with local and international laws.
- **As Aggregated and/or Anonymized Data:** We may share this type of information with third-parties in a way that does not directly identify you or your recipients.

We will disclose any Personal Information we collect, use, or receive if required or permitted by law, such as to comply with a subpoena or similar legal process, and when we believe in good faith that disclosure is necessary to protect our rights, protect your safety or the safety of others, investigate fraud, or respond to a government request.

In the event we go through a business transition, such as a merger or acquisition by another company, or the sale of all or a portion of its assets, your user account and Personal Information will likely be among the assets transferred.

## Retention of Information

We will retain and use your Personal Information for the period necessary to comply with our legal obligations, resolve disputes, and enforce our agreements unless a longer retention period is required or permitted by law.

We may use any aggregated data derived from or incorporating your Personal Information after you update or delete it, but not in a manner that would identify you personally.

Once the retention period expires, Personal Information shall be deleted. Therefore, the right to access, the right to erasure, the right to rectification, and the right to data portability cannot be enforced after the expiration of the retention period.

## Transfer of Information

Depending on your location, data transfers may involve transferring and storing your information in a country other than your own. You are entitled to learn about the legal basis of information transfers to a country outside the European Union or to any international organization governed by public international law or set up by two or more countries, such as the UN, and about the security measures taken by us to safeguard your information. If any such transfer occurs, you can find out more by checking the relevant sections of this Policy or inquiring with us using the information provided in the contact section.

## The Rights Of Users

You may exercise certain rights regarding your information processed by us. In particular, you have the right to do the following:

- You have the right to withdraw consent where you have previously given your consent to the processing of your information.
- You have the right to object to the processing of your information if the processing is carried out on a legal basis other than consent.
- You have the right to learn if we are processing information, obtain disclosure regarding certain aspects of the processing and obtain a copy of the information undergoing processing.
- You have the right to verify the accuracy of your information and ask for it to be updated or corrected.

- You have the right, under certain circumstances, to restrict the processing of your information, in which case, we will not process your information for any purpose other than storing it.
- You have the right, under certain circumstances, to obtain the erasure of your Personal Information from us.
- You have the right to receive your information in a structured, commonly used, and machine-readable format and, if technically feasible, to have it transmitted to another controller without any hindrance.

This provision is applicable provided that your information is processed by automated means and that the processing is based on your consent, on a contract which you are part of, or on pre-contractual obligations thereof.

## The Right to Object to Processing

Where Personal Information is processed for the public interest, in the exercise of an official authority vested in us, or for the purposes of the legitimate interests pursued by us, you may object to such processing by providing a ground related to your particular situation to justify the objection.

However, you must know that should your Personal Information be processed for direct marketing purposes, you can object to that processing at any time without providing any justification. To learn whether we are processing Personal Information for direct marketing purposes, you may refer to the relevant sections of this document.

## Data Protection Rights Under GDPR

If you are a resident of the European Economic Area (EEA), you have certain data protection rights and Giftsenda LLC aims to take reasonable steps to allow you to correct, amend, delete, or limit the use of your Personal Information. If you wish to be informed what Personal Information we hold about you and if you want it to be removed from our systems, please contact us. In certain circumstances, you have the following data protection rights:

- You have the right to request access to your Personal Information that we store and have the ability to access your Personal Information.
- You have the right to request that we correct any Personal Information you believe is inaccurate. You also have the right to request us to complete the Personal Information you believe is incomplete.
- You have the right to request that we delete your Personal Information under certain conditions outlined in this Policy.
- You have the right to object to our processing of your Personal Information.

- You have the right to seek restrictions on the processing of your Personal Information. When you restrict the processing of your Personal Information, we may store it but will not process it further.
- You have the right to be provided with a copy of the information we have on you in a structured, machine-readable, and commonly used format.
- You also have the right to withdraw your consent at any time where Giftsenda LLC relied on your consent to process your Personal Information.

You have the right to complain to a Data Protection Authority about our collection and use of your Personal Information. For more information, please contact your local data protection authority in the European Economic Area (EEA).

## California Privacy Rights

In addition to the rights as explained in this Policy, California residents who provide Personal Information (as defined in the statute) to obtain products or services for personal, family, or household use are entitled to request and obtain from us, once a calendar year, information about the Personal Information we shared, if any, with other businesses for marketing uses.

If applicable, this information would include the categories of Personal Information and the names and addresses of those businesses with which we shared such personal information for the immediately prior calendar year (e.g., requests made in the current year will receive information about the prior year). To obtain this information, please contact us.

## How to Exercise These Rights

Any requests to exercise your rights can be directed to Giftsenda LLC through the contact details provided in this document. Please note that we may ask you to verify your identity before responding to such requests.

Your request must provide sufficient information that allows us to verify that you are the person you are claiming to be or that you are the authorized representative of such person. You must include sufficient details to allow us to properly understand the request and respond to it. We cannot respond to your request or provide you with Personal Information unless we first verify your identity or authority to make such a request and confirm that the Personal information relates to you.

# Privacy of Children

We do not knowingly collect any Personal Information from children under the age of 18. If you are under the age of 18, please do not submit any Personal Information through the Website and Services. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce this Policy by instructing their children never to provide Personal Information through the Website and Services without their permission.

If you have reason to believe that a child under the age of 18 has provided Personal Information to us through the Website and Services, please contact us. You must also be at least 16 years of age to consent to the processing of your Personal Information in your country (in some countries, we may allow your parent or guardian to do so on your behalf).

## Advertisements

We may permit certain third-party companies to help us tailor advertising that we think may be of interest to users and to collect and use other data about user activities on the Website. These companies may deliver ads that might place cookies and otherwise track user behavior.

## Email Marketing

We offer electronic newsletters to which you may voluntarily subscribe at any time. We are committed to keeping your e-mail address confidential and will not disclose your email address to any third parties except as allowed in the information use and processing section or for the purposes of utilizing a third-party provider to send such emails. We will maintain the information sent via email in accordance with applicable laws and regulations.

In compliance with the CAN-SPAM Act, all e-mails sent from us will clearly state who the email is from and provide clear information on how to contact the sender. You may choose to stop receiving our newsletter or marketing emails by following the unsubscribe instructions included in these emails or by contacting us. However, you will continue to receive essential transactional emails.

## Links to Other Resources

The Website and Services contain links to other resources that are not owned or controlled by us. Please be aware that we are not responsible for the privacy practices of such other resources or third parties. We encourage you to be aware when you leave the Website and

Services and to read the privacy statements of each and every resource that may collect Personal Information.

## Information Security

We secure information you provide on computer servers in a controlled, secure environment, protected from unauthorized access, use, or disclosure. We maintain reasonable administrative, technical, and physical safeguards in an effort to protect against unauthorized access, use, modification, and disclosure of Personal Information in its control and custody. However, no data transmission over the Internet or wireless network can be guaranteed. Therefore, while we strive to protect your Personal Information, you acknowledge that:

- There are security and privacy limitations of the Internet which are beyond our control.
- The security, integrity, and privacy of any and all information and data exchanged between you and the Website and Services cannot be guaranteed.
- Any such information and data may be viewed or tampered with in transit by a third party, despite best efforts.

## Data Breach

In the event we become aware that the security of the Website and Services has been compromised or Users' Personal Information has been disclosed to unrelated third parties as a result of external activity, including, but not limited to, security attacks or fraud, we reserve the right to take reasonably appropriate measures. These measures include, but are not limited to, investigation and reporting, as well as notification to and cooperation with law enforcement authorities.

In the event of a data breach, we will make reasonable efforts to notify affected individuals if we believe that there is a reasonable risk of harm to the user due to the breach or if notice is otherwise required by law. When we do, we will post a notice on the Website, and send you an email.

## Cookie Policy

This cookie policy ("Policy") describes what cookies are and how and they're being used by the giftsenda.com website ("Website" or "Service") and any of its related products and services (collectively, "Services"). This Policy is a legally binding agreement between you ("User", "you" or "your") and Giftsenda LLC ("Giftsenda LLC", "we", "us" or "our"). You should read this Policy

so you can understand the types of cookies we use, the information we collect using cookies, and how that information is used. It also describes the choices available to you regarding accepting or declining the use of cookies.

## What Are Cookies?

Cookies are small pieces of data stored in text files that are saved on your computer or other devices when websites are loaded in a browser. They are widely used to remember you and your preferences, either for a single visit (through a "session cookie") or for multiple repeat visits (using a "persistent cookie").

Session cookies are temporary cookies used during your visit to the Website, and they expire when you close the web browser.

Persistent cookies are used to remember your preferences within our Website and remain on your desktop or mobile device even after you close your browser or restart your computer. They ensure a consistent and efficient experience for you while visiting the Website and Services.

Cookies may be set by the Website ("first-party cookies") or by third parties, such as those who serve content or provide advertising or analytics services on the Website ("third party cookies"). These third parties can recognize you when you visit our website and also when you visit certain other websites. Click [here to learn more](#) about cookies and how they work.

## What type of cookies do we use?

### Necessary Cookies

Necessary cookies allow us to offer you the best possible experience when accessing and navigating through our Website and using its features. For example, these cookies let us recognize that you have created an account and have logged into that account to access the content.

### Functionality Cookies

Functionality cookies let us operate the Website and Services in accordance with the choices you make. For example, we will recognize your username and remember how you customized the Website and Services during future visits.

## Analytical Cookies

These cookies enable us and third-party services to collect aggregated data for statistical purposes on how our visitors use the Website. These cookies do not contain personal information such as names and email addresses and are used to help us improve your user experience of the Website.

## Advertising Cookies

Advertising cookies allow us and third parties to serve relevant ads to you more effectively and help us collect aggregated audit data, research, and performance reporting for advertisers. They also enable us to understand and improve the delivery of ads to you and know when certain ads have been shown to you.

Your web browser may request advertisements directly from ad network servers; these networks can view, edit, or set their own cookies, just as if you had requested a web page from their website.

Although we do not use cookies to create a profile of your browsing behavior on third-party websites, we do use aggregate data from third parties to show you relevant, interest-based advertising. We do not provide any personal information that we collect to advertisers.

## Social Media Cookies

Third-party cookies from social media sites (such as Facebook, Twitter, etc.) let us track social network users when they visit or use the Website and Services or share content by using a tagging mechanism provided by those social networks.

These cookies are also used for event tracking and remarketing purposes. Any data collected with these tags will be used in accordance with our and social networks' privacy policies. We will not collect or share any personally identifiable information from the user.

## Do we Use Web Beacons or Tracking Pixels?

Our emails may contain a "web beacon" (or "tracking pixel") to tell us whether our emails are opened and verify any clicks through to links or advertisements within the email.

We may use this information for purposes including determining which of our emails are more attractive to users and to query whether users who do not open our emails wish to continue receiving them.

The pixel will be deleted when you delete the email. If you do not wish the pixel to be downloaded to your device, you should read the email in plain text view or with images disabled.

## What Are Your Cookie Options?

If you don't like the idea of cookies or certain types of cookies, you can change your browser's settings to delete cookies that have already been set and to not accept new cookies. To learn more about how to do this, visit [internetcookies.com](http://internetcookies.com).

Please note, however, that if you delete cookies or do not accept them, you might not be able to use all of the features the Website and Services offer.

## Changes and Amendments

We reserve the right to modify this Policy or its terms relating to the Website and Services from time to time at our discretion and will notify you of any material changes to the way in which we treat Personal Information. When we do, we will revise the updated date at the bottom of this page.

We may also provide notice to you in other ways at our discretion, such as through the contact information you have provided.

Any updated version of this Policy will be effective immediately upon the posting of the revised Policy unless otherwise specified. Your continued use of the Website and Services after the effective date of the revised Policy (or such other act specified at that time) will constitute your consent to those changes.

We will not, without your consent, use your Personal Information in a manner materially different than what was stated at the time your Personal Information was collected.

## Acceptance of This Policy

You acknowledge that you have read this Policy and agree to all its terms and conditions. By accessing and using the Website and Services, you agree to be bound by this Policy. If you do

not agree to abide by the terms of this Policy, you are not authorized to access or use the Website and Services.

## Contacting Us

If you would like to contact us to understand more about this Disclaimer or wish to contact us concerning any matter relating to it, you may email us at [info@giftsenda.com](mailto:info@giftsenda.com) or write a letter to:

Giftsenda LLC  
1337 Massachusetts Ave, #144,  
Arlington MA 02476  
U.S.A.

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