

TH Foods, Inc. Supplemental Privacy Policy for California Residents

Effective Date: January 1, 2020

Last Updated on: January 1, 2023

This **TH Foods, Inc. Supplemental Privacy Policy for California Residents** (“Policy”) supplements the information contained in TH Foods, Inc.’s Privacy Policy available at <https://www.thfoods.com/online-privacy-policy>, the Terri Lynn Privacy Policy available at <https://www.terrilynn.com/privacy-policy>, and the Crunchmaster Privacy Policy available at <https://crunchmaster.com/privacy-policy>, and applies solely to all visitors, users, and others who reside in the State of California ("consumers" or "you"). We adopt this notice to comply with the California Consumer Privacy Act of 2018 (CCPA) and the California Privacy Rights Act of 2020 (CPRA), as amended (collectively, “CPRA”) and any terms defined in the CPRA have the same meaning when used in this Policy.

Information We Collect

We collect information that identifies, relates to, describes, references, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device ("**personal information**"). Personal information does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.

In particular, we currently collect, and have collected the following categories of personal information and Sensitive Personal Information from consumers within the last twelve (12) months:

Category	Examples	Collected
A. Identifiers.	A real name, postal address, Internet Protocol address, email address, business name, account name, or other similar identifiers (Tax Exemption ID).	YES

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

J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	NO
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	NO
L. Sensitive Personal Information.	Government identifiers (social security, driver's license, state identification card, or passport number).	NO
	Complete account access credentials (user names, account numbers, or card numbers combined with required access/security code or password).	NO
	Precise geolocation.	YES
	Racial or ethnic origin; religious or philosophical beliefs; union membership.	NO
	Content of postal mail, email, and text messages (unless TH Foods, Inc. is the intended recipient of the subject communications).	NO
	Genetic data; unique identifying biometric information; health information.	NO

We obtain the categories of personal information listed above from the following categories of sources:

- Directly from you. For example, from forms you complete or products and services you purchase.
- Indirectly from you. For example, from observing your actions on our Website.

Use of Personal Information

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

- To fulfill or meet the reason you provided the information. For example, if you share your name and contact information to request a price quote or ask a question about our products or services, we will use that personal information to respond to your inquiry. If you provide your personal information to purchase a product or service, we will use that information to process your payment and facilitate delivery. We may also save your information to facilitate new product orders or process returns.
- To facilitate the sale of our products and services to you.
- To provide, support, personalize, and develop our Website, products, and services.
- To create, maintain, customize, and secure your account with us.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To help maintain the safety, security, and integrity of our Website, products and services, databases and other technology assets, and business.
- For testing, research, analysis, and product development, including to develop and improve our Website, products, and services.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- As described to you when collecting your personal information or as otherwise set forth in the CPRA.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us about our consumers is among the assets transferred.

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

Purposes for the Collection and Use of Sensitive Personal Information

Subject to your consent where required by applicable law, we may use Sensitive Personal Information for purposes of performing services for our business, providing goods or services as requested by you, ensuring security and integrity, short term transient use such as displaying first party, non-personalized advertising, order processing and fulfillment, servicing accounts, providing customer service, verifying customer information, processing payments, providing financing, and activities relating to quality and safety control or product improvement.

Retention Period

We retain Personal Information for as long as needed or permitted in light of the purpose(s) for which it was collected. The criteria used to determine our retention periods include:

- The length of time we have an ongoing relationship with you and provide services to you (for example, for as long as you have an account with us or keep using our services) and the length of time thereafter during which we may have a legitimate need to reference your Personal Information to address issues that may arise;
- Whether there is a legal obligation to which we are subject (for example, certain laws require us to keep records of your transactions for a certain period of time before we can delete them); or
- Whether retention is advisable in light of our legal position (such as in regard to applicable statutes of limitations, litigation or regulatory investigations).

Disclosures of Personal Information for a Business Purpose

We may share your personal information by disclosing it to a third party for a business purpose. We only make these business purpose disclosures under written contracts that describe the purposes, require the recipient to keep the personal information confidential, and prohibit using the disclosed information for any purpose except performing the contract. In the preceding twelve (12) months, Company has disclosed personal information for a business purpose according to the below chart.

Sales or Sharing of Personal Information

In the preceding twelve (12) months, TH Foods, Inc. has not sold personal information nor has TH Foods, Inc. shared personal information for cross-context behavioral advertising purposes. For more on your personal information sales and sharing rights, see [Personal Information Sales and Sharing Opt-Out Rights](#).

Personal Information Category	Category of Third-Party Recipients	
	Business Purpose Disclosures	Sales
A: Identifiers.	Service Providers	None
B: California Customer Records personal information categories.	None	None
C: Protected classification characteristics under California or federal law.	None	None
D: Commercial information.	None	None

E: Biometric information.	None	None
F: Internet or other similar network activity.	None	None
G: Geolocation data.	None	None
H: Sensory data.	None	None
I: Professional or employment-related information.	None	None
J: Non-public education information.	None	None
K: Inferences drawn from other personal information.	None	None
L: Sensitive Personal Information	None	None

Your Rights and Choices

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

Access to Specific Information and Data Portability Rights

You have the right to request that we disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive your request and confirm your identity (see Exercising Access, Data Portability, Deletion and Correction 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 that personal information.
- The categories of third parties with whom we share that personal information, if any.
- If we sold or disclosed your personal information for a business purpose, two separate lists disclosing:
 - sales, identifying the personal information categories that each category of recipient purchased; and

- disclosures for a business purpose, identifying the personal information categories that each category of recipient obtained.
- 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 we delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive your request and confirm your identity (see Exercising Access, Data Portability, Deletion and Correction Rights), we will review your request to see if an exception allowing us to retain the information applies. We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *et. seq.*).
6. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
7. Comply with a legal obligation.
8. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

We will delete or deidentify personal information not subject to one of these exceptions from our records and will direct our service providers to take similar action.

Right to Correct

You have the right to request us to correct inaccurate personal information collected about you. We will make commercially reasonable efforts to correct any inaccurate personal information we hold about a consumer within 45 days of receiving a verifiable consumer request. If we require more time (up to 90 days), we will inform you of the reason and extension period in writing.

Exercising Access, Data Portability, Deletion and Correction Rights

To exercise access, data portability, deletion and correction rights described above, please submit a verifiable consumer request by either:

- Calling us at 1-800-896-2396.
- Emailing us at atprivacy@thfoods.com.
- Visiting thfoods.com.

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. To designate an authorized agent, you must provide your agent your signed, written consent to make requests on your behalf. We may contact you to verify such consent has been made.

You may also make a verifiable consumer request on behalf of your child by providing written, official verification of your status as your child's parent or legal guardian.

You may only submit a request to know twice within a 12-month period. Your request to know or delete must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative, which may include:
 - Verification of your name, email address, phone number, zip code or other identifying information.
 - Official documents verifying your legal status as your child's parent or legal guardian.
- 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.

You do not need to create an account with us to submit a request to know or delete.

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

For instructions on exercising your sale and sharing opt-out rights, see [Personal Information Sales and Sharing Opt-Out Rights](#).

Response Timing and Format

We will confirm receipt of your verifiable consumer request within ten (10) business days. If you do not receive confirmation within the 10-day timeframe, please contact us at privacy@thfoods.com.

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

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

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

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

Personal Information Sales and Sharing Opt-Out Rights

We will not sell the personal information, including any Sensitive Personal Information, we collect. We also will not share it with third parties for cross-context behavioral advertising. However, to the extent that our use of your personal information to provide our Website, products and services to you may be considered a “sale” or “sharing” under the CPRA, you may submit a request to “opt-out” by using the link provided below. Please note that some uses of personal information may not be considered “sales” or “sharing” under the CPRA and certain exemptions may apply under the CPRA.

To exercise the right to opt-out, you (or your authorized representative) may submit a request to us by visiting the following Internet webpage link:

<https://www.thfoods.com/th-foods-group/>

Once you make an opt-out request, it will remain valid for twelve (12) months from the date of the request.

You do not need to create an account with us to exercise your opt-out rights. We will only use personal information provided in an opt-out request to review and comply with the request.

Right to Limit Disclosure or Use of Sensitive Personal Information

You have the right to limit the disclosure or use of your Sensitive Personal Information to only those actions necessary for us to provide goods and services to you or as otherwise specifically directed by you. Please note that we do not currently collect or use Sensitive Personal Information to infer characteristics about consumers triggering such limitation rights.

Non-Discrimination

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

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

Other California Privacy Rights

California's "Shine the Light" law (Civil Code Section § 1798.83) permits users of our Website that are California residents to request certain information regarding our disclosure, if any, of personal information to third parties for their direct marketing purposes. To make such a request, please send an email to privacy@thfoods.com or write us at: 2134 Harlem Road, Loves Park, IL 61111 .

Changes to Our Privacy Policy

We reserve the right to amend this privacy policy at our discretion and at any time. When we make changes to this privacy policy, we will post the updated notice on the Website and update the notice's effective date. **Your continued use of our Website following the posting of changes constitutes your acceptance of such changes.**

Contact Information

If you have any questions or comments about this notice, the ways in which TH Foods, Inc. collects and uses your information described here, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: 1-800-896-2396.

Website: thfoods.com.

Email: privacy@thfoods.com.

Postal Address:

TH Foods, Inc.

Attn: Consumer Relations

2134 Harlem Road

Loves Park, IL 61111

If you need to access this Policy in an alternative format due to having a disability, please contact us at privacy@thfoods.com or 1-800-896-2396.