

# Privacy Policy

Effective as of 8/28/2020

Please click [here](#) to view the previous version of our Privacy Policy.

This Privacy Policy describes the privacy practices John Elliott, and our subsidiaries and affiliates (collectively, “**John Elliott**”, “**we**”, “**us**”, or “**our**”) and how we handle personal information that we collect through our digital properties that link to this Privacy Policy, including our websites (collectively, the “**Service**”), through our retail stores, through social media, in connection with our marketing activities and through other activities described in this Privacy Policy.

You can download a printable copy of this Privacy Policy here.

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## Personal information we collect

**Information you provide to us.** Personal information you may provide to us through the Service or otherwise includes:

- **Contact details**, such as your first and last name, email and mailing addresses, and phone number.
- **Profile data**, such as your username and password that you may set to establish an online account with us.
- **Communications** that we exchange with you, including when you contact us with questions, feedback, or otherwise.
- **Payment and transactional data** needed to complete your orders on or through the Service (including name, payment card information, bank account number, billing information), and your purchase history.

- **Marketing data**, such as your preferences for receiving our marketing communications, and details about your engagement with them.
- **Other data** not specifically listed here, which we will use as described in this Privacy Policy or as otherwise disclosed at the time of collection.

**Third party sources.** We may combine personal information we receive from you with personal information we obtain from other sources, such as:

- **Data providers**, such as information services and data licensors.
- **Public sources**, such as social media platforms.
- **Marketing partners**, such as companies that have entered into joint marketing relationships with us.

**Automatic data collection.** We, our service providers, and our business partners may automatically log information about you, your computer or mobile device, and your interaction over time with the Service, our communications and other online services, such as:

- **Device data**, such as your computer's or mobile device's operating system type and version, manufacturer and model, browser type, screen resolution, RAM and disk size, CPU usage, device type (e.g., phone, tablet), IP address, unique identifiers (including identifiers used for advertising purposes), language settings, mobile device carrier, radio/network information (e.g., WiFi, LTE, 3G), and general location information such as city, state or geographic area.
- **Online activity data**, such as pages or screens you viewed, how long you spent on a page or screen, the website you visited before browsing to the Service, navigation paths between pages or screens, information about your activity on a page or screen, access times, and duration of access, and whether you have opened our marketing emails or clicked links within them.

**Cookies and similar technologies.** Like many online services, we use the following technologies:

- **Cookies**, which are text files that websites store on a visitor's device to uniquely identify the visitor's browser or to store information or settings in the browser for the purpose of helping you navigate between pages efficiently, remembering your preferences, enabling functionality, helping us understand user activity and patterns, and facilitating online advertising.
- **Local storage technologies**, like HTML5 and Flash, that provide cookie-equivalent functionality but can store larger amounts of data, including on your device outside of your browser in connection with specific applications.
- **Web beacons**, also known as pixel tags or clear GIFs, which are used to demonstrate that a webpage or email was accessed or opened, or that certain content was viewed or clicked.

## How we use your personal information

We use your personal information for the following purposes or as otherwise described at the time of collection:

**Service delivery.** We use your personal information to:

- provide, operate and improve the Service and our business;
- process your payments and complete transactions with you;
- communicate with you about the Service, including by sending announcements, updates, security alerts, and support and administrative messages;

- understand your needs and interests, and personalize your experience with the Service and our communications; and
- provide support for the Service, respond to your requests, questions and feedback.

**Research and development.** We may use your personal information for research and development purposes, including to analyze and improve the Service and our business. As part of these activities, we may create aggregated, de-identified or other anonymous data from personal information we collect. We make personal information into anonymous data by removing information that makes the data personally identifiable to you. We may use this anonymous data and share it with third parties for our lawful business purposes, including to analyze and improve the Service and promote our business.

**Marketing and advertising.** We, our service providers and our third party advertising partners may collect and use your personal information for marketing and advertising purposes:

- **Direct marketing.** We may send you John Elliott-related direct marketing communications as permitted by law, including by email. You may opt-out of our marketing communications as described in the [Opt-out of marketing](#) section below.
- **Interest-based advertising.** We may engage third party advertising companies and social media companies to display ads on our Service and other online services. These companies may use cookies and similar technologies to collect information about your interaction (including the data described in the [automatic data collection](#) section above) over time across the Service, our communications and other online services, and use that information to serve online ads that they think will interest you. This is called interest-based advertising. We may also share information about our users with these companies to facilitate interest-based advertising to those or similar users on other online platforms. You can learn more about your choices for limiting interest-based advertising in the [“Your choices”](#) section in the Cookie Policy.

**Compliance and protection.** We may use your personal information to:

- comply with applicable laws, lawful requests, and legal process, such as to respond to subpoenas or requests from government authorities;
- protect our, your or others’ rights, privacy, safety or property (including by making and defending legal claims);
- audit our internal processes for compliance with legal and contractual requirements and internal policies;
- enforce the terms and conditions that govern the Service; and
- prevent, identify, investigate and deter fraudulent, harmful, unauthorized, unethical or illegal activity, including cyberattacks and identity theft.

## How we share your personal information

We may share your personal information with the following parties and as otherwise described in this Privacy Policy or at the time of collection:

**Affiliates.** Our corporate parent, subsidiaries, and affiliates, for purposes consistent with this Privacy Policy.

**Service providers.** Companies and individuals that provide services on our behalf or help us operate the Service or our business (such as hosting, information technology, customer support, email delivery, and website analytics services).

**Payment processors.** Any payment card information you use to make a purchase on the Service is collected and processed directly by our payment processors, such as Shopify and PayPal. Shopify may use your payment data in accordance with its Privacy Policy, <https://www.shopify.com/legal/privacy>, and PayPal can similarly use your payment data in accordance with its Privacy Policy, <https://www.paypal.com/us/webapps/mpp/ua/privacy-full>.

**Financial services companies.** Companies that check your credit and offer financing for your purchases, such as Afterpay, if you choose to use them. Afterpay may use your information in accordance with its Privacy Policy, <https://www.afterpay.com/privacy-policy>.

**Advertising partners.** Third party advertising companies for the [interest-based advertising purposes](#) described above.

**Professional advisors.** Professional advisors, such as lawyers, auditors, bankers and insurers, where necessary in the course of the professional services that they render to us.

**Authorities and others.** Law enforcement, government authorities, and private parties, as we believe in good faith to be necessary or appropriate for the [compliance and protection purposes](#) described above.

**Business transferees.** Acquirers and other relevant participants in business transactions (or negotiations for such transactions) involving a corporate divestiture, merger, consolidation, acquisition, reorganization, sale or other disposition of all or any portion of the business or assets of, or equity interests in, John Elliott or our affiliates (including, in connection with a bankruptcy or similar proceedings).

Please keep in mind that whenever you voluntarily make your personal information available for viewing by third parties or the public on or through our Service, that information can be seen, collected and used by others. We are not responsible for any use of such information by others.

## Your choices

You have the following choices with respect to your personal information.

**Access, update, or delete.** If you have registered for a Service account with us, you can review and update certain account information by logging into the account. Registered users may also contact us to request deletion of your account and certain personal information. We may request information from you to help us confirm your identity and process your request. Applicable law may require or permit us to decline deletion requests, such as where we need to retain your information for security, compliance, fraud prevention, and safety purposes, to comply with law, to establish or defend legal claims, because deletion is not practicable. If we delete your account, you will not be able to access it. If we delete your information, it will generally be deleted from our active databases, but where permitted by law, the information may remain for a period of time in our backup files.

**Opt-out of marketing communications.** You may opt out of marketing-related emails by following the opt-out or unsubscribe instructions at the bottom of the email. You may continue to receive service-related and other non-marketing emails.

**Cookies.** For information about cookies employed by the Service and how to control them, see our [Cookie Policy](#).

**Do Not Track.** Some Internet browsers may be configured to send “Do Not Track” signals to the online services that you visit. We currently do not respond to “Do Not Track” or similar signals. To find out more about “Do Not Track,” please visit <http://www.allaboutdnt.com>.

**Declining to provide information.** We need to collect personal information to provide certain services. If you do not provide the information we identify as required or mandatory, we may not be able to provide those services.

## Other sites and services

The Service may contain links to websites and other online services operated by third parties. In addition, our content may be integrated into web pages or other online services that are not associated with us. These links and integrations are not an endorsement of, or representation that we are affiliated with, any third party. We do not control websites or online services operated by third parties, and we are not responsible for their actions.

## Security

We employ a number of technical, organizational and physical safeguards designed to protect the personal information we collect. However, no security measures are failsafe and we cannot guarantee the security of your personal information.

## International data transfer

We are headquartered in the United States and may use service providers that operate in other countries. Your personal information may be transferred to the United States or other locations where privacy laws may not be as protective as those in your state, province, or country.

## Children

The Service is not intended for use by children under 16 years of age. If we learn that we have collected personal information through the Service from a child under 16 without the consent of the child's parent or guardian as required by law, we will delete it.

## Changes to this Privacy Policy

We reserve the right to modify this Privacy Policy at any time. If we make material changes to this Privacy Policy, we will notify you by updating the date of this Privacy Policy and posting it on the Service. If required by law we will also provide notification of changes in another way that we believe is reasonably likely to reach you, such as via email or another manner through the Service. Any modifications to this Privacy Policy will be effective upon our posting the modified version (or as otherwise indicated at the time of posting). In all cases, your use of the Service after the effective date of any modified Privacy Policy indicates your acceptance of the modified Privacy Policy.

## How to contact us

You can reach us by email at [support@johnelliott.com](mailto:support@johnelliott.com) or at the following mailing address:

John Elliott  
8808 Melrose Avenue  
West Hollywood, CA 90069

## Information for California residents

**Scope.** This section applies only to California residents. It describes how we collect, use and share Personal Information of California residents in our capacity as “business” under the California Consumer Privacy Act (“**CCPA**”) and their rights with respect to that Personal Information. For purposes of this section, “**Personal Information**” has the meaning given in the CCPA but does not include information exempted from the scope of the CCPA. In some cases we may provide a different privacy notice to certain categories of California residents, such as job applicants, in which case that notice will apply instead of this section.

**Your California privacy rights.** As a California resident, you have the rights listed below. However, these rights are not absolute, and in certain cases we may decline your request as permitted by law.

- **Information.** You can request the following information about how we have collected and used your Personal Information during the past 12 months:
  - The categories of Personal Information that we have collected.
  - The categories of sources from which we collected Personal Information.
  - The business or commercial purpose for collecting and/or selling Personal Information.
  - The categories of third parties with whom we share Personal Information.
  - The categories of Personal Information that we sold or disclosed for a business purpose.
  - The categories of third parties to whom the Personal Information was sold or disclosed for a business purpose.
- **Access.** You can request a copy of the Personal Information that we have collected about you during the past 12 months.
- **Deletion.** You can ask us to delete the Personal Information that we have collected from you.
- **Opt-out of sales.** You can opt-out of any sale of your Personal information.
- **Nondiscrimination.** You are entitled to exercise the rights described above free from discrimination as prohibited by the CCPA.

You may submit requests to exercise your right to information, access or deletion at <https://www.johnelliott.com/pages/contact>, via email to [support@johnelliott.com](mailto:support@johnelliott.com).

**Notice of right to opt-out of the “sale” of your Personal Information.** Like many companies, we use services that help deliver interest-based ads to you. Our use of some of these services may be classified under California law as a “sale” of your Personal Information to the advertising partners that provide the services because they collect information from our users (e.g., device data and online activity data) to help them serve ads more likely to interest you. See the [Your choices](#) section of our Cookie Policy for information on how to opt-out.

We will need to verify your identity to process your information, access and deletion requests and reserve the right to confirm your California residency. To verify your identity we may require government identification, a declaration under penalty of perjury or other information. Your authorized agent may make a request on your behalf upon our verification of the agent’s identity and our receipt of a copy of a valid power of attorney given to your authorized agent pursuant to California Probate Code Sections 4000-4465. If you have not provided your agent with such a power of attorney, you must provide your agent with written and signed permission to exercise your CCPA rights on your behalf, provide the information we request to verify your identity, and provide us with written confirmation that you have given the authorized agent permission to submit the request. We cannot process your request if you do not provide us with sufficient detail to allow us to understand and respond to it.

**Personal information that we collect, use and disclose.** The chart below summarizes the Personal Information we collect by reference to the categories of Personal Information specified in the CCPA, and

describes our practices currently and during the 12 months preceding the effective date of this Privacy Policy. Information you voluntarily provide to us, such as in free-form webforms, may contain other categories of personal information not described below.

<b>Statutory category of Personal Information</b> (Cal. Civ. Code § 1798.140)	<b>Personal Information we collect in this category</b> (See the “Personal information we collect” section above for description)
<b>Identifiers (excluding online identifiers)</b>	<ul style="list-style-type: none"> <li>• <i>Contact details</i></li> </ul>
<b>California Customer Records</b> (as defined in California Civil Code section 1798.80)	<ul style="list-style-type: none"> <li>• <i>Contact details</i></li> <li>• <i>Profile data</i></li> <li>• <i>Communications</i></li> <li>• <i>Marketing data</i></li> </ul>
<b>Commercial Information</b>	<ul style="list-style-type: none"> <li>• <i>Profile data</i></li> <li>• <i>Payment &amp; transactional data</i></li> <li>• <i>Communications</i></li> <li>• <i>Marketing data</i></li> <li>• <i>Online activity data</i></li> </ul>
<b>Financial Information</b>	<ul style="list-style-type: none"> <li>• <i>Payment &amp; transactional data</i></li> </ul>
<b>Online Identifiers</b>	<ul style="list-style-type: none"> <li>• <i>Profile data</i></li> <li>• <i>Device data</i></li> </ul>
<b>Internet or Network Information</b>	<ul style="list-style-type: none"> <li>• <i>Marketing data</i></li> <li>• <i>Device data</i></li> <li>• <i>Online activity data</i></li> </ul>
<b>Inferences</b>	<i>May be derived from the information listed above</i>
<p><b>Sources.</b> We describe the sources from which we collect this Personal Information in the section above entitled <a href="#">Personal information we collect</a>.</p> <p><b>Purposes.</b> We describe the business and commercial purposes for which we collect this Personal Information in the section above entitled <a href="#">How we use your personal information</a>.</p> <p><b>Disclosure.</b> We disclose this Personal Information to the categories of third parties described in the section above entitled <a href="#">How we share your personal information</a>.</p>	

## Notice to European users

The information provided in this “Notice to European users” section applies only to individuals in Europe.

**Personal information.** References to “personal information” in this Privacy Policy are equivalent to “personal data” governed by European data protection legislation.

**Controller.** John Elliott is the controller of your personal information covered by this Privacy Policy for purposes of European data protection legislation.

**Legal bases for processing.** We use your personal information only as permitted by law. Our legal bases for processing the personal information described in this Privacy Policy are described in the table below.

<b>Processing purpose</b>	<b>Legal basis</b>
<i>Details regarding each processing purpose listed below are provided in the section above titled "How we use your personal information".</i>	
<b>To operate our services</b>	Processing is necessary to perform the contract governing our provision of our services or to take steps that you request prior to signing up for the services. If we have not entered into a contract with you, we process your personal information based on our legitimate interest in providing the services you access and request.
<ul style="list-style-type: none"><li>• <b>For research and development</b></li><li>• <b>For marketing purposes</b></li><li>• <b>For compliance, fraud prevention and safety</b></li><li>• <b>Sharing your personal information as described in this Privacy Policy</b></li></ul>	These activities constitute our legitimate interests. We do not use your personal information for these activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).
<b>To comply with law</b>	Processing is necessary to comply with our legal obligations.
<b>With your consent</b>	Processing is based on your consent. Where we rely on your consent you have the right to withdraw it any time in the manner indicated when you consent or in the services.

**Use for new purposes.** We may use your personal information for reasons not described in this Privacy Policy where permitted by law and the reason is compatible with the purpose for which we collected it. If we need to use your personal information for an unrelated purpose, we will notify you and explain the applicable legal basis.

**Sensitive personal information.** We ask that you not provide us with any sensitive personal information (e.g., social security numbers, information related to racial or ethnic origin, political opinions, religion or other beliefs, health, biometrics or genetic characteristics, criminal background or trade union membership) on or through the services, or otherwise to us.

If you provide us with any sensitive personal information to us when you use the services, you must consent to our processing and use of such sensitive personal information in accordance with this Privacy Policy. If you do not consent to our processing and use of such sensitive personal information, you must not submit such sensitive personal information through our services.



**Retention.** We retain personal information for as long as necessary to fulfill the purposes for which we collected it, including for the purposes of satisfying any legal, accounting, or reporting requirements, to establish or defend legal claims, or for fraud prevention purposes.

To determine the appropriate retention period for personal information, we 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 process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

When we no longer require the personal information we have collected about you, we will either delete or anonymize it or, if this is not possible (for example, because your personal information has been stored in backup archives), then we will securely store your personal information and isolate it from any further processing until deletion is possible. If we anonymize your personal information (so that it can no longer be associated with you), we may use this information indefinitely without further notice to you.

**Your rights.** European data protection laws give you certain rights regarding your personal information. If you are located in Europe, you may ask us to take the following actions in relation to your personal information that we hold:

- **Access.** Provide you with information about our processing of your personal information and give you access to your personal information.
- **Correct.** Update or correct inaccuracies in your personal information.
- **Delete.** Delete your personal information.
- **Transfer.** Transfer a machine-readable copy of your personal information to you or a third party of your choice.
- **Restrict.** Restrict the processing of your personal information.
- **Object.** Object to our reliance on our legitimate interests as the basis of our processing of your personal information that impacts your rights.

You may submit these requests by email to [support@johnelliott.com](mailto:support@johnelliott.com) or our postal address provided above. We may request specific information from you to help us confirm your identity and process your request. Applicable law may require or permit us to decline your request. If we decline your request, we will tell you why, subject to legal restrictions. If you would like to submit a complaint about our use of your personal information or our response to your requests regarding your personal information, you may contact us or submit a complaint to the data protection regulator in your jurisdiction. You can find your data protection regulator [here](#).

#### **Cross-border data transfer.**

If we transfer your personal information from the United Kingdom or European Economic Area to another country such that we are required under to apply appropriate safeguards to your personal information under European data protection laws, we will do so. Please contact us for further information about any such transfers or the specific safeguards applied.