

# NUTRACEUTICAL PRIVACY POLICY

## Introduction

Nutraceutical respects your privacy and is committed to protecting your personal data. This privacy policy explains when and why Nutraceutical Corporation and its subsidiaries including, without limitation, Nutraceutical International Corporation, NutraMarks, Inc., NutraBrands, Inc., NutraPure, Inc., Vitadollar, Inc., Zhou Nutrition, Inc., NU U Nutrition, Ltd., Au Naturel, Inc., Au Naturel (UK), Inc., Monarch Nutraceuticals, Inc., (collectively “Company”, “we”, “us”) and their affiliates collect your Personal Data. This policy also describes how that information is used, stored and transferred, and when such information may be disclosed. This Policy will also tell you about your privacy rights and how you can exercise those rights.

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## 1. Important information and who we are

Purpose of this privacy policy

This privacy policy provides information on how Nutraceutical collects and processes your personal data, including any data you may provide through this website when you purchase a product from us, comment on our social media pages, apply to be an international distributor of our products, provide to us content related to product reviews, comments, or questions, or contact us by phone, email, or via the Contact Us form on our websites.

Our services are not intended for children under 18 years of age. We do not knowingly collect personal information from children under 18. If you are under 18, do not use or provide any information on this website or on or through any of its features, use any of the interactive or public comment features of this website or provide any information about yourself to us, including your name, address, telephone number, email address, or any screen name or user name you may use. If we learn we have collected or received personal information from a child under 18 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 18, please [contact us](#).

It is important that you read this privacy policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements other notices and privacy policies and is not intended to override them.

## **Controller**

Nutraceutical Corporation is the controller and responsible for your personal data (collectively referred to as "Nutraceutical", "we", "us" or "our" in this privacy policy).

## **Contact details**

If you have any questions about this privacy policy or our privacy practices, please contact our [data privacy manager] in the following ways:

Full name of legal entity: Nutraceutical Corporation, Attn Privacy Officer

Email address: [privacy@nutracorp.com](mailto:privacy@nutracorp.com)

Postal address: 1777 Sun Peak Drive, Park City, UT 84098, USA

If you are based in the European Union, please note that you have the right to make a complaint at any time to your national regulator for data protection issues. We would, however, appreciate the chance to address your concerns before you approach the regulator so please contact us in the first instance.

## **Changes to the privacy policy and your duty to inform us of changes**

We keep our privacy policy under regular review. This version was last updated on 12.20.2019. Historic versions can be obtained by contacting us.

We reserve the right to change the terms of this privacy policy at any time. We will post the revised privacy policy to our websites and the last date of revision will be updated so that you are able to understand what information we collect, how we use your information, and under what circumstances we may share your information with others. We will notify you of any material changes by way of a pop-up notice on the website announcing that the privacy policy has changed, and pointing the changes to your attention.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

### **Third-party links**

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy of every website you visit.

## **2. The data we collect about you**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- **Contact Data** includes billing address, shipping address, email address and telephone numbers.
- **Employment Data** includes data about your professional life such as Curriculum Vitae or cover letter.
- **Financial Data** includes bank account and payment card details (card number, expiration date, security code).
- **Transaction Data** includes details about payments to and from you and other details of products you have purchased from us.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access this website.

- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our websites and products.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- **Social Media Data** includes your name, social media account information, and friends.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy policy.

We do collect **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, sex life, information about your health, and genetic data). Specifically, we may collect health information about any adverse reaction you might have to one of our dietary supplements as well as any relevant health information you choose to share with us. We do not collect any information about criminal convictions and offenses.

### **If you fail to provide personal data**

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods). In this case, we may have to cancel an order you have with us but we will notify you if we do.

## **3. How is your personal data collected?**

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact, Financial [and Social Media Data] by filling in forms or by corresponding with us by post, phone, and email or otherwise. This includes personal data you provide when you:
  - purchase one or more of our products;
  - create an account on our websites;
  - apply to one of our available positions;
  - request marketing to be sent to you;
  - provide us with a product review;
  - request and enquire about our customer support; or
  - give us feedback or contact us.

- **Automated technologies or interactions.** As you interact with our website, we will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. [We may also receive Technical Data about you if you visit other websites employing our cookies.] Please see our Cookies section and separate [Cookies policy](#) for further details.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources.

Technical Data from the following parties:

- analytics providers];
- advertising networks ; and
- search information providers.
- Contact, Financial and Transaction Data from providers of technical, payment and delivery services.
- Identity and Contact Data from data brokers or aggregators.
- Identity and Contact Data from publicly available sources.

## 4. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal obligation.

[Click here](#) to find out more about the types of lawful basis that we rely on to process your personal data.

Generally, we do not rely on consent as a legal basis for processing your personal data although we will get your consent before sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

### Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new customer	(a) Identity (b) Contact	Performance of a contract with you
<p>To process and deliver your order including:</p> <p>(a) Manage payments, fees and charges</p> <p>(b) Collect and recover money owed to us</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Financial</p> <p>(d) Transaction</p> <p>(e) Marketing and Communications</p>	<p>(a) Performance of a contract with you (to process your purchases, send you updates about your order, deliver and manage your order, including to collect payments, fees and charges)</p> <p>(b) Necessary for our legitimate interests (to start legal proceedings to recover debts due to us)</p>
To manage our relationship with you which will include notifying you about changes to our terms of use or to our privacy policy	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Profile</p> <p>(d) Marketing and Communications</p>	<p>(a) Performance of a contract with you (to inform you of any changes to our terms and conditions)</p> <p>(b) Necessary to comply with a legal obligation (to inform you of any changes to our privacy policy)</p> <p>(c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)</p>
To provide you with location-based information	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Profile</p>	Consent

	<ul style="list-style-type: none"> <li>(d) Usage</li> <li>(e) Marketing and Communications</li> <li>(f) Technical</li> <li>(g) Social Media</li> </ul>	
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Technical</li> </ul>	Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganization or group restructuring exercise)
To deliver relevant website content to you	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Profile</li> <li>(d) Usage</li> <li>(e) Marketing and Communications</li> <li>(f) Technical</li> </ul>	Necessary for our legitimate interests (to study how customers use our products, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our website, products, marketing, customer relationships and experiences	<ul style="list-style-type: none"> <li>(a) Technical</li> <li>(b) Usage</li> </ul>	Necessary for our legitimate interests (to define types of customers for our products, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> </ul>	Necessary for our legitimate interests (to develop our

about goods that may be of interest to you	(c) Technical (d) Usage (e) Profile (f) Marketing and Communications (g) Social Media	products and grow our business)
To communicate with you by email, text, social media messaging, social media posting or any other communication mechanism that you choose	(a) Identity (b) Contact (c) Marketing and Communications (d) Social Media	Necessary for our legitimate interests (to reply to communications sent to us and for customer relationship management purposes)
Provide you with support on our Services	(a) Identity (b) Contact (c) Marketing and Communications (d) Technical	Performance of a contract with you
To respond to your inquiries related to employment opportunities	(a) Identity (b) Contact Data (c) Employment (d) Social Media	Performance of a contract with you or in order to take steps at your request prior to entering into a contract with you

## Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing.

## Promotional offers from us



We may use your Identity, Contact, Technical, Usage, Profile, and Social Media Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products and offers may be relevant for you.

You will receive marketing communications from us if you have requested information from us or purchased goods from us and you have not opted out of receiving that marketing.

## **Third-party marketing**

We will get your express opt-in consent before we share your personal information with any company outside our company for marketing purposes, including service providers who perform marketing services on our behalf, such as sending communications to you on our behalf.

### **Opting out**

You can ask us or third parties to stop sending you marketing messages at any time by logging into the website and checking or unchecking relevant boxes to adjust your marketing preferences or by following the opt-out links on any marketing message sent to you or by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a product purchase, warranty registration, product/support experience or other transactions.

### **Cookies**

As you navigate through and interact with our website, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions, and patterns, including:

- Details of your visits to our website, including traffic data, location data, logs, and other communication data and the resources that you access and use on the website.
- Information about your computer and internet connection, including your IP address, operating system, and browser type.

The information we collect automatically includes personal information, or we may maintain it or associate it with personal information we collect in other ways or receive from third parties. It helps us to improve our website and to deliver a better and more personalized service, including by enabling us to:

- Estimate our audience size and usage patterns.
- Store information about your preferences, allowing us to customize our website according to your individual interests.

- Speed up your searches.
- Recognize you when you return to our website.

The technologies we use for this automatic data collection may include:

- **Cookies (or browser cookies).** A cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting you may be unable to access certain parts of our Website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Website.
- **Flash Cookies.** Certain features of our Website may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from, and on our Website. Flash cookies are not managed by the same browser settings as are used for browser cookies.
- **Web Beacons.** Pages of our Website [and emails] may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit us, for example, to count users who have visited those pages or [opened an email] and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

In addition, some content or applications on the website may be served by third-parties, including advertisers, ad networks and servers, content providers, and application providers. These third parties may use cookies alone or in conjunction with web beacons or other tracking technologies to collect information about you when you use our website. The information they collect may be associated with your personal data or they may collect information, including personal data, about your online activities over time and across different websites and other online services. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content.

We do not control these third parties' tracking technologies or how they may be used. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly as they may provide you with ways to choose not to have your information collected or used in this way. If you are based in the United States you can opt out of receiving targeted ads from members of the Network Advertising Initiative ("NAI") on the NAI's website at <http://optout.networkadvertising.org>. If you are based in the European Union you may visit the website of the European Interactive Digital Advertising Alliance ("EIDAA") at <https://www.edaa.eu> as well as of the European Advertising Standards Alliance ("EASA") at <http://www.easa-alliance.org>.

## Social Media Features

Our websites includes Social Media Features, such as the Facebook Like button. These Features may collect your IP address, which page you are visiting on our website, and may set a cookie to enable the Feature to function properly. Social Media Features are either hosted by a third party or hosted directly on our website. Your interactions with these Features are governed by the privacy policies of the companies providing them.

## Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 5. Disclosures of your personal data

We may share your personal data with the parties set out below for the purposes set out in the table *Purposes for which we will use your personal data* above.

- Internal Third Parties as set out in the [Glossary](#).
- External Third Parties as set out in the [Glossary](#).
- Third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

We may also disclose your personal data:

- If we are required to do so by law or legal process;
- in response to requests by governmental authorities;
- to establish, exercise or defend our legal rights;
- when we deem it is necessary to prevent harm or financial loss;
- in investigating suspected or actual illegal activity; or
- otherwise with your consent, in which case we would notify you of that purpose at the time of seeking your consent.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 6. International transfers

We share your personal data within our group. This will involve, if you are based in the European Union, transferring your data outside the European Economic Area (EEA).

Many of our external third parties are also based outside the European Economic Area (EEA) so their processing of your personal data will involve a transfer of data outside the EEA.

If you are based in the European Union, whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal information by the European Commission. For further details, see [European Commission: Adequacy of the Protection of Personal Data in Non-EU Countries](#).
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see [European Commission: Model Contracts for the Transfer of Personal Data to Third Countries](#).
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see [European Commission: EU-US Privacy Shield](#).

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 7. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

No method of transmission over the Internet, or method of electronic storage, is 100% secure, however. Therefore, we cannot guarantee its absolute security. We have put in place procedures

to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so. Notice will be given promptly, consistent with the legitimate needs of law enforcement and any measures necessary for Nutraceutical or law enforcement to determine the scope of the breach and to assure or restore the integrity of the data system. Nutraceutical may delay notification if Nutraceutical or a law enforcement agency determines that the notification will impede a criminal investigation, unless and until Nutraceutical or the agency determines that notification will not compromise the investigation. If you have any questions about the security of your personal information, you can contact us at [privacy@nutracorp.com](mailto:privacy@nutracorp.com).

## **8. Data retention**

### **How long will you use my personal data for?**

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

Details of retention periods for different aspects of your personal data can be requested from us by contacting us.

In some circumstances you can ask us to delete your data: see [your legal rights] below for further information.

In some circumstances we will anonymize your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

## **9. Your legal rights**

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please click on the links below to find out more about these rights:

- [Request access to your personal data.](#)
- [Request correction of your personal data.](#)
- [Request erasure of your personal data.](#)
- [Object to processing of your personal data.](#)
- [Request restriction of processing your personal data.](#)
- [Request transfer of your personal data.](#)
- [Right to withdraw consent.](#)

If you wish to exercise any of the rights set out above, please contact us at [privacy@nutracorp.com](mailto:privacy@nutracorp.com).

### **No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

### **Your California Privacy Rights**

If you are a California resident, California law may provide you with additional rights regarding our use of your personal information. To learn more about your California privacy rights, visit [https://www.nutraceutical.com/ccpa\\_privacy\\_notice\\_ca/](https://www.nutraceutical.com/ccpa_privacy_notice_ca/)

### **Your Nevada Privacy Rights**

Nevada residents who wish to exercise their sale opt-out rights under Nevada Revised Statutes Chapter 603A may submit a request to this designated address: [privacy@nutracorp.com](mailto:privacy@nutracorp.com). However, please know we do not currently sell data triggering that statute's opt-out requirements.

## 10. Glossary

### LAWFUL BASIS

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for 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). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal obligation** means processing your personal data where it is necessary for compliance with a legal obligation that we are subject to.

**Consent** means any freely given, specific, informed and unambiguous indication of your wishes by which you, by a statement or by a clear affirmative action, signify agreement to the processing of personal data relating to you.

### THIRD PARTIES

#### Internal Third Parties

Companies or affiliates acting as joint controllers or processors that provide IT and system administration services and undertake leadership reporting.

#### External Third Parties

- Service providers acting as processors based in the United States or abroad who provide payment processing, order fulfillment, transportation, email, IT and system administration services.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.

- Regulators and other authorities acting as processors or joint controllers based in the United States and abroad that provide customs clearance, customer support, or that require reporting of processing activities in certain circumstances.

## YOUR LEGAL RIGHTS

You have the right to:

**Request access** to your personal data (commonly known as a "data subject access request" this enables you to receive a copy of the personal we hold about and check that are lawfully processing it.>

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:

- If you want us to establish the data's accuracy.
- Where our use of the data is unlawful but you do not want us to erase it.
- Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
- You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-



readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.