

Privacy Policy

Effective date: September 15, 2021

At Nine Banded Whiskey, we take your privacy seriously. Please read this Privacy Policy to learn how we treat your personal data. **By using or accessing our Services in any manner, you acknowledge that you accept the practices and policies outlined below, and you hereby consent that we will collect, use and share your information as described in this Privacy Policy.**

YOU MUST BE OF LEGAL DRINKING AGE TO USE THIS WEBSITE AND/OR THE SERVICES. IF YOU ARE NOT OF LEGAL DRINKING AGE, DO NOT PROVIDE US WITH YOUR PERSONAL INFORMATION, OR IF YOU LIVE IN A COUNTRY WHERE CONSUMPTION OF ALCOHOLIC BEVERAGES IS NOT PERMITTED, DO NOT PROVIDE US WITH YOUR PERSONAL INFORMATION. IF YOU PROVIDE US WITH YOUR PERSONAL INFORMATION, YOU REPRESENT AND WARRANT THAT YOU ARE OF A LEGAL DRINKING AGE AND/OR LIVE IN A COUNTRY WHERE CONSUMPTION OF ALCOHOLIC BEVERAGES IS PERMITTED. If we receive notice or believe that someone under the legal drinking age and/or someone in a country where consumption of alcoholic beverages is not permitted has provided us with personal information we will make every reasonable effort to remove such personal information from our records, or to flag such personal information and (to the extent permitted by law) retain it for the sole purpose of ensuring that it is no longer used.

Remember that your use of Nine Banded Whiskey's Services is at all times subject to our Terms of Use, which incorporates this Privacy Policy. Any terms we use in this Policy without defining them have the definitions given to them in the Terms of Use.

If you have a disability, you may access this Privacy Policy in an alternative format by contacting armadillo@ninebandedwhiskey.com.

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What this Privacy Policy Covers

This Privacy Policy covers how we treat Personal Data that we gather when you access or use our Services. "Personal Data" means any information that identifies or relates to a particular individual and also includes information referred to as "personally identifiable information" or "personal information"

under applicable data privacy laws, rules or regulations. This Privacy Policy does not cover the practices of companies we don't own or control or people we don't manage.

Personal Data

Categories of Personal Data We Collect

This chart details the categories of Personal Data that we collect and have collected over the past 12 months:

| <u>Category of Personal Data</u> | <u>Examples of Personal Data We Collect</u> | <u>Categories of Third Parties With Whom We Share this Personal Data:</u> |
|---|--|---|
| Profile or Contact Data | <ul style="list-style-type: none"> • First and last name • Email | <ul style="list-style-type: none"> • Service Providers |
| Payment Data | <ul style="list-style-type: none"> • Payment card type • Last 4 digits of payment card • Billing address, phone number, and email | <ul style="list-style-type: none"> • Service Providers (specifically our payment processing partner, currently Stripe, Inc.) |

Categories of Sources of Personal Data

We collect Personal Data about you from the following categories of sources:

- **You**
 - When you provide such information directly to us.
 - When you use our interactive tools and Services.
 - When you voluntarily provide information in free-form text boxes through the Services or through responses to surveys or questionnaires.
 - When you send us an email or otherwise contact us.
 - When you use the Services and such information is collected automatically.
 - Through Cookies (defined in the “Tracking Tools and Opt-Out” section below).
 - If you use a location-enabled browser, we may receive information about your location.
 - If you download and install certain applications and software we make available, we may receive and collect information transmitted from your computing device for the purpose of providing you the relevant Services.

Our Commercial or Business Purposes for Collecting Personal Data

- **Providing, Customizing and Improving the Services**
 - Processing orders or other transactions; billing.
 - Providing you with the products, services or information you request.
 - Meeting or fulfilling the reason you provided the information to us.
 - Providing support and assistance for the Services.
 - Improving the Services, including testing, research, internal analytics and product development.
 - Personalizing the Services, website content and communications based on your preferences.

- Doing fraud protection, security and debugging.
- Carrying out other business purposes stated when collecting your Personal Data or as otherwise set forth in applicable data privacy laws, such as the California Consumer Privacy Act (the “CCPA”).
- Verifying that you are of legal drinking age, as we are in the business of selling alcoholic beverage products.
- **Marketing the Services**
 - Marketing and selling the Services.
- **Corresponding with You**
 - Responding to correspondence that we receive from you, contacting you when necessary or requested, and sending you information about Nine Banded Whiskey or the Services.
 - Sending emails and other communications according to your preferences or that display content that we think will interest you.
- **Meeting Legal Requirements and Enforcing Legal Terms**
 - Fulfilling our legal obligations under applicable law, regulation, court order or other legal process, such as preventing, detecting and investigating security incidents and potentially illegal or prohibited activities.
 - Protecting the rights, property or safety of you, Nine Banded Whiskey or another party.
 - Enforcing any agreements with you.
 - Responding to claims that any posting or other content violates third-party rights.
 - Resolving disputes.

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

How We Share Your Personal Data

We disclose your Personal Data to the categories of service providers and other parties listed in this section. Depending on state laws that may be applicable to you, some of these disclosures may constitute a “sale” of your Personal Data. For more information, please refer to the state-specific sections below.

- **Service Providers.** These parties help us provide the Services or perform business functions on our behalf. They include:
 - Hosting, technology and communication providers.
 - Security and fraud prevention consultants.
 - Support and customer service vendors.
 - Product fulfillment and delivery providers.
 - Distributors
 - Our distributor Speakeasy Co. (“Speakeasy”) collects your voluntarily-provided information to provide you with our alcoholic beverage Products.
 - Please see Speakeasy’s Terms and Conditions at <https://www.speakeasyco.com/terms-and-conditions> and Privacy Policy at <https://www.speakeasyco.com/privacy-policy> for information on its use and storage of your Personal Data.
 - Payment processors.

- Our payment processing partner Stripe, Inc. (“Stripe”) collects your voluntarily-provided payment card information necessary to process your payment.
- Please see Stripe’s Terms of Service at <https://stripe.com/us/checkout/legal> and their Privacy Policy at <https://stripe.com/us/privacy> for information on its use and storage of your Personal Data.

Legal Obligations

We may share any Personal Data that we collect with third parties in conjunction with any of the activities set forth under “Meeting Legal Requirements and Enforcing Legal Terms” in the “Our Commercial or Business Purposes for Collecting Personal Data” section above.

Business Transfers

All of your Personal Data that we collect may be transferred to a third party if we undergo a merger, acquisition, bankruptcy or other transaction in which that third party assumes control of our business (in whole or in part). Should one of these events occur, we will make reasonable efforts to notify you before your information becomes subject to different privacy and security policies and practices.

Data that is Not Personal Data

We may create aggregated, de-identified or anonymized data from the Personal Data we collect, including by removing information that makes the data personally identifiable to a particular user. We may use such aggregated, de-identified or anonymized data and share it with third parties for our lawful business purposes, including to analyze, build and improve the Services and promote our business, provided that we will not share such data in a manner that could identify you.

Tracking Tools and Opt-Out

The Services use cookies and similar technologies such as pixel tags, web beacons, clear GIFs and JavaScript (collectively, “Cookies”) to enable our servers to recognize your web browser, tell us how and when you visit and use our Services, analyze trends, learn about our user base and operate and improve our Services. Cookies are small pieces of data— usually text files – placed on your computer, tablet, phone or similar device when you use that device to access our Services. We may also supplement the information we collect from you with information received from third parties, including third parties that have placed their own Cookies on your device(s). Please note that because of our use of Cookies, the Services do not support “Do Not Track” requests sent from a browser at this time.

We use the following types of Cookies:

- **Essential Cookies**. Essential Cookies are required for providing you with features or services that you have requested. For example, certain Cookies enable you to log into secure areas of our Services. Disabling these Cookies may make certain features and services unavailable.

You can decide whether or not to accept Cookies through your internet browser’s settings. Most browsers have an option for turning off the Cookie feature, which will prevent your browser from accepting new Cookies, as well as (depending on the sophistication of your browser software) allow you to decide on acceptance of each new Cookie in a variety of ways. You can also delete all Cookies that are

already on your device. If you do this, however, you may have to manually adjust some preferences every time you visit our website and some of the Services and functionalities may not work.

To explore what Cookie settings are available to you, look in the “preferences” or “options” section of your browser’s menu. To find out more information about Cookies, including information about how to manage and delete Cookies, please visit <http://www.allaboutcookies.org/>.

Data Security and Retention

We seek to protect your Personal Data from unauthorized access, use and disclosure using appropriate physical, technical, organizational and administrative security measures based on the type of Personal Data and how we are processing that data. Although we work to protect the security of your data that we hold in our records, please be aware that no method of transmitting data over the internet or storing data is completely secure.

We retain Personal Data about you for as long as necessary to provide you with our Services. In some cases we retain Personal Data for longer, if doing so is necessary to comply with our legal obligations, resolve disputes or collect fees owed, or is otherwise permitted or required by applicable law, rule or regulation. We may further retain information in an anonymous or aggregated form where that information would not identify you personally.

Personal Data of Children

As noted in the Terms of Use, we do not knowingly collect or solicit Personal Data about anyone under 21 years of age; if you are under the age of 21, please do not attempt to register for or otherwise use the Services or send us any Personal Data. If we learn we have collected Personal Data from anyone under 21 years of age, we will delete that information as quickly as possible. If you believe that anyone under 21 years of age may have provided Personal Data to us, please contact us at armadillo@ninebandedwhiskey.com.

State Law Privacy Rights

California Resident Rights

Under California Civil Code Sections 1798.83-1798.84, California residents are entitled to contact us to prevent disclosure of Personal Data to third parties for such third parties’ direct marketing purposes; in order to submit such a request, please contact us at armadillo@ninebandedwhiskey.com.

Nevada Resident Rights

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Data to third parties who intend to license or sell that Personal Data. You can exercise this right by contacting us at armadillo@ninebandedwhiskey.com with the subject line “Nevada Do Not Sell Request” and providing us with your name. Please note that we do not currently sell your Personal Data as sales are defined in Nevada Revised Statutes Chapter 603A.

Changes to this Privacy Policy

We're constantly trying to improve our Services, so we may need to change this Privacy Policy from time to time, but we will alert you to any such changes by placing a notice on the Nine Banded Whiskey website, by sending you an email and/or by some other means. Please note that if you've opted not to receive legal notice emails from us (or you haven't provided us with your email address), those legal notices will still govern your use of the Services, and you are still responsible for reading and understanding them. If you use the Services after any changes to the Privacy Policy have been posted, that means you agree to all of the changes. Use of information we collect is subject to the Privacy Policy in effect at the time such information is collected.

Contact Information:

If you have any questions or comments about this Privacy Policy, the ways in which we collect and use your Personal Data or your choices and rights regarding such collection and use, please do not hesitate to contact us at:

- www.ninebandedwhiskey.com
- armadillo@ninebandedwhiskey.com
- 13377 Fitzhugh Rd. Austin, TX 78736