

# Privacy Policy

Last updated: ■, 2023

We at PenguinPickUp<sup>1</sup> value the trust you place in us when sharing your personal information.

This Policy describes our practices with respect to the collection, use and disclosure of the personal information of our clients and prospective clients (“you”), including visitors to our website, [www.PenguinPickUp.com](http://www.PenguinPickUp.com) (“Website”), and users of our mobile application, PenguinPickUp App (“Application”).

If you do not consent to the collection, use and disclosure of your personal information in accordance with this Policy, please do not provide us with any personal information and discontinue your use of our Website and Application immediately. Of course, if you choose not to provide us with certain required personal information, we may not be able to offer you certain services. You may change or withdraw your consent at any time, on reasonable notice, subject to legal or contractual restrictions.

## 1. To what information does this Policy apply?

This Policy applies to all personal information collected by PenguinPickUp from our client-facing operations. “Personal information” is a broad term that includes any information about an identifiable individual or that allows an individual to be identified. In general, it does not include business contact information, such as an individual’s professional title or business telephone number or email address.

## 2. What personal information do we collect?

We may collect personal information from you whenever you interact with us, including when you inquire about or use our services, create an account, or otherwise submit online forms through our Website or Application. This could include your first and last name, email address, password, mailing address, phone number, payment card information such as a credit card number, date of birth, demographic information (such as your gender), and any other information you give us, including when you contact PenguinPickUp customer service. We likewise may collect certain personal information about you when we receive packages on your

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<sup>1</sup> In this Privacy Policy, the words “we”, “us”, “our” and “PenguinPickUp” refer to Penguin Pick-Up Limited Partnership, by its general partner PenguinPickUp G.P., and other PenguinPickUp affiliates and brands as they may exist over time, as well as any successor companies.

behalf, including your mailing address, the identity of the senders of the packages, and any other personal information that may be visible from the exterior of the packages.

**Payment card information.** We use a third-party service provider, Stripe, for payment processing and do not collect or store your complete payment card information on our servers. That information is provided directly to Stripe, whose use of your personal information is governed by their privacy policy, which can be viewed at <https://stripe.com/en-ca/privacy>.

**Information from our delivery partners.** You may choose to permit us to access information about your orders placed with our delivery partners, such as your package tracking number, order information, name, email address, mailing address, and telephone number. We collect this information from our delivery partners with your consent in order to facilitate delivery of your packages.

**Non-identifiable information collected from your browser or device.** We also automatically collect certain non-identifiable information from your browser or device when you browse our Website, use our Application, or open or click on emails we send to you. The term “device” as used in this Policy refers to any computer, tablet, smart phone or other device you are using to access our Website or operate our Application.

We may, for example, collect the general (non-granular) geographic location of your device, your operating system, the IP address of your Internet Service Provider, the date and time of your visits, details regarding your interactions with the Website or Application, and the address of the website from which you linked to the Website. This non-identifiable information is used for Website, Application and system administration purposes and to improve the Website and Application. It may be disclosed to others and may be permanently archived for future use.

To collect this information, we may use log files that record events in connection with your use of the Website or Application, as well as cookies and similar technologies, such as web beacons embedded in marketing emails to monitor the engagement of recipients. For additional information, see the “Our use of cookies and web beacons” section of this Policy.

### **3. What are our purposes for collecting, using or disclosing personal information?**

We use your personal information for business and commercial purposes, including to provide the products and services you request, to perform customer service functions, for marketing and promotional purposes, for security and fraud prevention, and to perform analytics in relation to our services, Website and Application. The ways in which we may use your information include:

- **To provide and maintain our services.** This includes, for example, processing your purchases of and delivering our products and services; registering and verifying user accounts; managing your registration as a user of our services; and facilitating the functionality of our Website and Application.
- **To communicate with you.** This includes, for example, communicating with you about your account, deliveries and our services, responding to customer service inquiries and requests and, if you have opted to receive such communications, providing you with news, marketing or promotional materials and general information about our products and services that may be of interest to you.
- **For research, development and to improve our services.** In order to ensure our services, Website and Application are continually improving and to better understand our customers and their preferences, we may use your personal information in de-identified form to maintain, improve and analyze our Website, Application, ads and services.
- **To enforce our terms, agreements or policies and to detect, suppress or prevent fraud.** This includes enforcing this Policy, our Terms of Use, and our Subscription Agreement, as well as other internal and external policies, and maintaining a safe, secure and trusted environment on our Website and Application and at our pick-up locations.
- **As permitted or required by applicable laws.** We may use your personal information as required or permitted under applicable laws and regulations, such as tax and privacy laws. We may also use your personal information to comply with legal and regulatory obligations and to respond to lawful government requests, subpoenas and court orders.
- **With your consent.** We may use your personal information in order to fulfill any other business or commercial purpose at your direction or with your consent.

## 4. With whom do we share personal information?

We share your personal information as needed to fulfill the purposes described in this Policy and as permitted by applicable law. This includes sharing with third-party service providers who perform business functions at our direction, sharing with delivery partners and affiliates, sharing as part of corporate transactions, sharing to protect lawful interests, and sharing with your consent.

We may share your personal information in the following situations:

- **With service providers.** We may share your personal information with service providers that provide us with support services, such as credit card processing, website hosting, email, text message and postal delivery, and marketing and analytics services. For additional information, see the “Our third party service providers” section of this Policy.
- **With delivery partners.** If you permit us to access information about your orders placed with our delivery partners, we will share such information with our delivery partners as is required to facilitate the delivery of your packages and management of your orders, including delivery status.
- **With affiliates.** We may share your personal information with our affiliates for purposes of performing our business functions, management and analysis, decision making, and other business purposes, in which case we will require those affiliates to honor this Policy. Such affiliates include PenguinPickUp 2U.
- **For business transactions.** We may share or transfer your personal information in connection with, or during negotiation of, any merger, sale of company assets, financing, restructuring or acquisition of all or a portion of our business.
- **As permitted or required by applicable law.** We may use your personal information as required or permitted under applicable laws and regulations. This includes sharing your personal information to enforce our agreements or policies, if we believe that the disclosure will help us protect the rights, property, health or safety of PenguinPickUp, our customers or our partners, if disclosure is required to comply with legal and regulatory obligations or to respond to lawful government requests, subpoenas and court orders, and to prevent or investigate fraud or wrongdoing.
- **With your consent.** We may use your personal information, including information held with other companies, at your direction or with your consent.

## 5. Our use of cookies and web beacons

We may use cookies and web beacons to collect information about your device and your use of our Website or Application.

- **Cookies** are small data files that are sent from a website’s server and are stored on your device’s hard drive either for only the duration of your visit, until you close your web browser (“session cookies”) or for a fixed period (“persistent cookies”). Cookies contain information that can later be read by a web server.

- **Web beacons** are small, transparent images that are embedded in web pages, applications and emails and can provide usage details.

We may use these technologies to:

- **Allow you to access and use the functionalities of our Website or Application.** For example, we may use some of these technologies to authenticate our users and prevent fraudulent use of user accounts. Without these technologies, certain services and functionalities on our Website and Application may not work properly.
- **Monitor and improve our Website's and Application's performance.** For example, we may use some of these technologies to learn how our customers interact with our Website and Application, how certain functionalities are accessed and used, and to assess performance and improve operations. Specifically, the Website uses Google Analytics to collect information, in de-identified and aggregate form, about how visitors use the Website, including the number of visitors to the Website and the pages they have visited. We use such information to improve the Website.
- **Improve your convenience and remember your choices.** Some of these technologies may personalize or enhance the ease of use of our Website or Application by, for example, remembering information and preferences that you have provided on prior visits to our Website or when you last used our Application.

In addition, our promotional communications and newsletters may contain web beacons that will indicate to us whether our emails are opened and, combined with other technology, will verify any clicks through to links within the email. We may use this information to test the effectiveness of our marketing and to compile aggregated data regarding the preferences and interests of our subscribers.

You can exercise your choices in relation to cookies as described in the “Your consent, choices and right to withdraw consent” section of this Policy.

## 6. The PenguinPickUp mobile application

We offer the Application for our customers' use and convenience. By downloading, installing, accessing or using the Application, you consent to all actions that we take with respect to your data consistent with this Policy. Use of the Application entails information collection in accordance with this Policy (including the transmission of certain personal information previously provided by you), and includes user controls for Application functionality, such as setting push notifications.

## 7. Promotions

If, as the case may be, you choose to participate in any of our promotional referral programs, whereby you inform a friend or family member about our services, it is your responsibility to ensure you have the consent of your friend or family member to submit their [email address] to the referral program. We will automatically send a one-time email that identifies you as the referrer and invites them to subscribe to our services.

We use this information for the sole purpose of sending the one-time email and measuring the success of such promotional referral program.

## 8. Retention of your personal information

We will retain your personal information only for as long as is necessary for the purposes for which it was collected or for longer periods to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes, enforce our legal agreements and policies or as otherwise permitted by law.

## 9. Your consent, choices and right to withdraw consent

To the extent possible, we obtain express or implied consent to collect, use and disclose personal information about an individual directly from such individual. By contacting us, registering for and using an account, subscribing to our promotional communications or otherwise voluntarily providing us with your personal information, you consent to the collection, use and disclosure of that information in accordance with this Policy.

If you provide us with personal information concerning another individual (including an individual you authorize to collect your packages), you represent that, prior to providing such information, you have obtained the necessary consent or authority to permit us to collect, use and disclose such personal information for the purposes set out in, and in accordance with, this Policy, or that the collection, use and disclosure is otherwise permitted by applicable law.

You have control over your promotional communications preferences, cookie settings, and more. You may also have the right to withdraw your consent to our continued use and disclosure of your personal information.

**Promotional communications.** We may use your personal information to contact you with newsletters, marketing or promotional materials and other information that may be of interest to you when you opt-in to receive such emails. You can unsubscribe from receiving these

communications at any time by using the unsubscribe mechanism at the bottom of our emails or by emailing us at [privacyofficer@penguinpickup.com](mailto:privacyofficer@penguinpickup.com). Please note that if you opt out of receiving promotional communications from us, we may still send you transactional communications, including emails about your deliveries.

**Cookies and similar technologies.** You may decline cookies by activating the appropriate setting on your browser; however, doing so may affect or limit your use of the Website or ability to benefit from certain features of the Website. Each browser is different but many browsers have preferences or options that may be adjusted to allow you to either accept or reject cookies and certain other technologies before they are set or installed, or allow you to remove or reject the use or installation of certain technologies altogether. Unless you have adjusted your browser setting so that it will decline cookies, our Website will issue certain cookies when you direct your browser to our Website.

**Google analytics.** Should you wish to opt-out of the use of Google Analytics, please [click here](#).

**Withdraw your consent.** To the extent you have consented to our collection, use and disclosure of personal information, in some jurisdictions you may vary or withdraw your consent to our continued use and disclosure upon reasonable notice and subject to legal or contractual restrictions. To request to do so, please contact our Privacy Officer using the contact information below.

## **10. Where we store personal information and how we safeguard it**

We may store and process your personal information at our pick-up locations, including those in Québec, Ontario, and British Columbia. Our servers are located in Ontario, Canada. Your personal information may also be stored with third party service providers located elsewhere, as described in the “Our third party service providers” section of this Policy.

We use commercially reasonable safeguards appropriate to the sensitivity of the information to protect the security of personal information in our possession and to ensure it is treated and disclosed in accordance with this Policy. These include physical, organizational, and technological measures such as policies and procedures, training of personnel, restricted-access and physically-secure facilities, network and file access restrictions and other standard privacy and security practices.

This said, no method of transmission over the Internet or method of electronic storage is perfect, and due to the inherent nature of the Internet, we cannot guarantee that data you provide to us,

including your personal information, is absolutely safe from intrusion or other unauthorized access or use. You are responsible for protecting your password(s) and maintaining the security of your devices. You also agree to immediately notify us of any unauthorized transactions associated with your account or your use of the Application.

## **11. Our third party service providers**

When we enter into arrangements with service providers to store, handle or process personal information on our behalf, we take reasonable steps, by contractual means and otherwise, to ensure that these parties provide a comparable level of privacy protection while the information is in their possession or control.

Some of our service providers may be located in Ontario, Québec, elsewhere in Canada and/or in other jurisdictions with different privacy laws that may or may not be as comprehensive as those applicable in your province of residence. In these circumstances, the governments, courts, law enforcement, and national security or regulatory agencies of those foreign jurisdictions may be able to obtain access to your personal information through the laws of their respective jurisdictions.

When you provide personal information to us through the Website or Application or by using our services, you consent to such transfer of your personal information and the processing of your information in this manner.

If you have questions about the collection, use, disclosure or storage of your personal information by our service providers outside of your province of residence or Canada, please contact our Privacy Officer using the contact information below.

## **12. Access or changes to your personal information**

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

Subject to exceptions permitted or required by applicable law, you may have the right to access your personal information that we hold and to obtain additional information regarding our use and disclosure of such information. You may also have the right to challenge the correctness, accuracy and completeness of such personal information, cause certain personal information to be deleted or deposit written comments with respect to your personal information

To request to exercise any of these rights, please contact our Privacy Officer using the contact information below. Once a request has been submitted, we may ask you for additional



information in order to verify your identity or to provide additional details to help us respond to your request.

In certain circumstances, we may refuse to act or impose limitations on your rights, as permitted or required by applicable law. For example, we may not disclose information that contains references to other individuals. If we cannot provide you with access to your personal information, we will inform you of the reasons why, subject to any legal or regulatory restrictions.

### **13. Children's privacy**

We do not intend for our Website, Application, or services to be used by anyone under the age of 18. If you are a parent or guardian and believe we may have collected information about your child, please contact us immediately as described in the “Contacting our Privacy Officer” section of this Policy.

### **14. Links to other websites**

Our Website and Application may contain links to other websites that are not owned or operated by us. If you click on a third party link, you will be directed to that third party’s website. We strongly advise you to review the Privacy Policy of every website you visit. We have no control over and assume no responsibility for the content, privacy policies or practices of any third party websites or services.

### **15. Changes to this Policy**

This Policy went into effect on the “Last updated” date noted above. We may update this Policy from time to time. We will notify you of any modifications to this Policy that might materially affect your rights or the way that we use or disclose your personal information prior to the change becoming effective by means of a message on our Website and Application. We also encourage you to look for updates and changes to this Policy by checking back periodically.

### **16. Contacting our Privacy Officer**

If you have any questions or complaints relating to our handling of personal information or this Policy, or wish to exercise any rights relating to your personal information, please communicate with our Privacy Officer at [privacyofficer@penguinpickup.com](mailto:privacyofficer@penguinpickup.com).