

Nothing Bundt Cakes Privacy Notice

Effective date: July 27, 2020

Our privacy notice is available in PDF form [here](#).

At Nothing Bundt Cakes Franchising, LLC d/b/a Nothing Bundt Cakes (“**Nothing Bundt Cakes**” or “**we**”), we respect your privacy and are committed to protecting it.

This privacy notice has been drafted to explain how Nothing Bundt Cakes collects, uses, discloses, and protects information that we collect about you and your rights with respect to that information.

This notice covers information we collect from or about you when you give it to us, visit our website, visit any of our locations, or interact with our advertisements. It also covers information that we may receive from other persons or companies who have received your information and can share it with us.

If in any case our privacy practices differ from those explained in this notice, we will let you know at the time we ask for or collect your information.

1. Quick links

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2. What information we collect

We may collect the following types of information about you, which we have grouped together as follows:

- **Identity Information.** Examples include first name, last name, marital status, title, date of birth and gender.
- **Contact Information.** Examples include billing address, shipping address, email address and telephone numbers.
- **Financial Information.** Examples include payment card details and other payment-related information.
- **Transaction Information.** Examples include details about payments to and from you and other details of products and services you have purchased from us or one of our franchisees.

- **Technical Information.** Examples include internet protocol (IP) address, your login information, 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 our website.
- **Profile Information.** Examples include your username and password, purchases or orders made by you, your favorite bakery, your interests, preferences, feedback and survey responses.
- **Usage Information.** Examples include information about how you use our website, products and services.
- **Marketing and Communications Information.** Examples include your preferences in receiving marketing from us and our third parties and your communication preferences.
- **Demographic Information and Preferences.** Examples include personal characteristics and preferences, such as your age, marital and family status, number of children, shopping preferences, income level, languages spoken, loyalty and rewards program information, household demographic data, data from social media platforms, education and professional information, hobbies and interests and propensity scores from third parties (likelihood of purchase, experiencing a life event, etc.).
- **User Content.** Examples include photos, reviews, and other feedback that you provide to us on or through our social media pages or websites about our products, locations, and services. If you choose to provide User Content, it may be made available on public areas of our website or on or through our social media channels.

Some of the information we collect about you may be personal information, or personal data, that can be used to identify you including, for example, your name, email address, mailing address or delivery address. In some jurisdictions, certain unique identifiers like IP addresses and other usage or technical information may be considered personal information. Personal information does not include data where your identity has been removed so that we can no longer identify you (anonymous data), which we may use for any purpose.

3. Children's privacy

Our website is a general interest website and is not intended for children under 13 years of age. No one under the age of 13 may provide any personal information to or on the website. We do not knowingly collect personal information from children under 13. If you are under 13, do not use or provide any information on this website, join our eClub, register for an account on or through the website, make any purchases through the website, or use any of the interactive or public comment features that may be on this website. If we learn we have collected or received personal information from a child under 13 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 13, please [Contact us](#).

4. How we collect information

We collect information from and about you in the following ways:

- **When you provide it to us.** You may give us information about you by filling in forms or by communicating with us by email or otherwise. For example, this may include information you provide when you register for an account, subscribe to one of our newsletters or other communications, enroll in our eClub, place an order, write a review, or when you otherwise contact us about our website, products, or services. We may also collect information from you if you take one of our guest surveys or otherwise provide us feedback.

- **From our websites and emails.** As you interact with our website, websites using our cookies, or our emails, we may automatically collect Technical Information about your equipment, browsing actions and patterns. We collect this information by using cookies, server logs, web beacons, and other similar technologies. Our [Cookies and automatic data collection technologies](#) section contains more information and options to control or opt-out of certain data collection or uses.
- **From others.** We may receive information about you from third parties including, for example, our affiliated companies, business partners, subcontractors, analytics providers, franchisees, and service providers. We may also receive aggregated information about guests who visit our bakeries and Demographic Information from commercially available sources such as data aggregators, public databases, and our other service providers. If you purchase products from one of our franchisees or enroll in our eClub at one of our franchisee’s locations, our franchisee may provide us with information relating to your purchase. If someone orders one of our products online for delivery to you, that person may provide us with your delivery information.

5. Cookies and automatic data collection technologies

Our website uses automatic data collection technologies to distinguish you from other website users. This helps us deliver a better and more personalized service when you browse our website. It also allows us to improve our website by enabling us to:

- Estimate our audience size and usage patterns.
- Store your preferences so we may customize our website according to your individual interests.
- Speed up your searches.
- Recognize you when you return to our website.

We also may use these technologies to collect information about your online activities over time and across third-party websites or other online services (behavioral tracking). For more information, see the [Interest-based advertising](#) section of this privacy notice.

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. For information about managing browser settings to refuse cookies, see [Your rights and choices](#).
- **Web Session Variables.** Information that is passed from one web URL to another as you browse.
- **Browser plug-ins/add ons.** We may make browser plug-ins or other add ons available for installation to enable certain web features on our website. If we make these available, you have the option not to install these components.
- **Flash Cookies.** Certain features of our website may use Flash cookies (local stored objects) instead of browser cookies to collect and store information about your preferences and navigation to, from, and on the website. For information about managing Flash cookies see [Your rights and choices](#).
- **Web Beacons.** Our website pages, advertisements, and e-mails may contain small transparent embedded images or objects known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit us, for example, to count website page visitors or email

readers, or to compile other similar statistics such as recording website content popularity or verifying system and server integrity. For information about managing web beacons, see [Your rights and choices](#).

Depending on which website this notice is posted on, we may use Google Analytics to provide certain analytics services for us. More information about Google Analytics can be found in the [Google Analytics Terms of Service](#) and the [Google Analytics Privacy Policy](#).

Do Not Track

Do Not Track (DNT) is a privacy preference that users can set in certain web browsers. When a user turns on DNT, the browser may send a signal or other message to web services requesting that they “do not track” the user. At this time, we do not change our practices in response to Do Not Track browser settings. For information about do not track, visit www.allaboutdnt.org.

6. How we use your information

We may use your information to conduct our business operations including for the following purposes:

- To create and manage your account or to enroll you in our eClub.
- To provide you with products and services you request or purchase from us or one of our franchisees, including through our eClub.
- To process payment for products or services.
- To allow you to enter a sweepstake, contest, promotion, other program that we may offer.
- To conduct market research.
- To develop and provide advertising tailored to your interest and to determine the effectiveness of our advertising.
- To provide you with the information or support that you request from us, including to send you newsletters.
- To improve our website, products or services, marketing, customer relationships, and experiences.
- To develop new products and services.
- Upon your request, to provide you with information about franchising opportunities with us.
- To notify you of special offers, discounts, updates, and products and services that we think may be of interest to you. To learn more about your choices with regards to these communications see [Your rights and choices](#).
- To manage our relationship with you which may include notifying you about changes to our terms or privacy notice, providing you notices about your account, asking you to leave a review or take a survey, addressing any concerns you may have about our products or services.
- To carry out our obligations and enforce our rights and to protect our websites, franchisees, customers, and other individuals including to protect against or identify possible fraudulent transactions.

- For any other purpose as may be permitted by law or that we describe when you provide the information.

We may use information that is not personal information for any purpose. For example, we may aggregate usage data from many people in a way that does not identify any individuals to calculate the percentage of users accessing a feature on the website.

7. Disclosure of Your Information

We may share non-personal information without restriction. We may share your personal information with:

- Any member of our corporate group, which means our subsidiaries, affiliates, our ultimate holding company and its subsidiaries, and affiliates.
- To our franchisees who are bound by contractual obligations to keep personal information confidential and only use it in connection with running their Nothing Bundt Cakes franchise.
- To contractors, service providers, and other third parties we use to support our business and who are bound by contractual obligations to keep personal information confidential and use it only for the purposes for which we disclose it to them. For example, we may use service providers to host our websites, manage online ordering, contact contest winners, process payments, perform data analytics, conduct research, send promotions to you, to help us improve our products and services, and perform other services that we request.
- To our business partners who provide services on our behalf but who may also use the information we provide for their own commercial purposes. For example, some of our advertising partners may use information to market other parties' products and services to you. For more information see [Interest-based advertising](#).
- To an actual or prospective buyer or other successor in the event of merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of our assets, where one of the transferred assets is the personal information we hold.
- To fulfill the purpose for which you provide it. For example, if you order a cake to be delivered to another person, we will use the information you provide to fulfill the order.
- For any other purpose as may be permitted by law or that we describe when you provide the information.

We may also disclose your personal information:

- To comply with any court order, law, or legal process, including responding to any government or regulatory request.
- To enforce our Terms of Use and other agreements with you.
- To protect the rights, property, or safety of our business, our franchisees, our employees, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of cybersecurity, fraud protection and credit risk reduction.
- To investigate suspected violations of any law, rule or regulation, or the terms or policies for our website.

We may also use your information to contact you about our own and third-parties' products and services that may be of interest to you. If you do not want us to use your information in this way, please adjust your user preferences in your account profile or opt-out as directed when you receive such an email from us. For more information, see [Your rights and choices](#).

8. Interest-based advertising

Some content or applications on our website, including advertisements, are served by third parties, including advertisers, ad networks, and servers, content partners, or 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 information or they may collect information, including personal information, 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. Our partners may use non-cookie technologies on which browser settings that block cookies might have no effect. Your browser may not permit you to block such technologies.

For this reason, keep in mind, you can block the collection and use of information related to you by advertising companies for the purpose of serving interest based advertising by visiting the following platforms of self-regulatory programs of which those companies are members:

- The NAI's opt-out platform is available [here](#).
- The DAA's opt-out platform is available [here](#).

9. Third party content, apps, and links

Some content or applications on our website may be served by third parties, content providers and application providers including the following:

- Plugins.** Our website makes available the option for you to use "plugins" that are operated by social media companies. If you choose to use one of these plugins, then it may collect information about you and send it back to the social media company that owns it. This may happen even if you do not click on the plugin, if you are logged into the social media website that owns the plugin when you visit our website. Information collected by a plugin is subject to the privacy policy and terms of the social media company that makes it. If you do not want the social media company who owns a plugin to collect information about you when you visit our website, sign out of the social media network before visiting.
- User Content.** Our website may allow you to upload your own content to public areas of the website. Any information you submit becomes public information, and we do not control how others may use the content you submit. We are not responsible for users that may violate our privacy notice, the law, or your intellectual property rights.
- Third-party links.** Our website may contain links to other sites, which we do not control. Those websites have their own privacy policies and terms.

10. Your rights and choices

Your rights may vary depending on where you are located. We have created mechanisms to provide you with the following control over your information.

- **Marketing.** If you do not want us to use your email address or other contact information to promote or recommend our own products and services, or third parties' products or services, you can opt-out by checking the relevant box located on the form where we collect your contact

information or, if presented with the option to opt-in, do not opt-in. If you have an account with our website, you may be able to log in and check or uncheck relevant boxes. If you do not have an account, you can adjust your preferences by contacting us as set forth in the [Contact Us](#) section. Each newsletter or other promotional email we send you contains an “UNSUBSCRIBE” link at the bottom of the email. To opt-out of receiving further promotional emails, click “UNSUBSCRIBE”, and follow the instructions on the screen to change your communication preferences. This opt-out may not apply to email communications that relate to a business transaction between us or between you and one of our franchisees.

- **Accessing, Updating and Deleting Your Information.** If you have an account with us, you may have the ability to access your information and make updates to or delete your data. If not, you can contact us as set forth in the [Contact Us](#) section below to request access to, correction of, or deletion of personal information that you have provided to us. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or negatively affect the information’s accuracy.
- **Cookies and Automatic Data Collection Technologies.** You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. Flash cookies are not managed by the same browser settings as are used for browser cookies. To learn how you can manage your Flash cookie settings, visit the Flash player settings page on [Adobe’s website](#). However, if you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. If you do not want Google Analytics to be used in your browser, Google Analytics provides an opt-out tool which can be found [here](#). In some cases, you may be able to set your browser or email program to not download web beacons.
- **Interest Based Advertising.** Please see [Interest-based advertising](#) above for information on how to opt-out of interest-based advertising.
- **California Residents.** If you are a California resident, you may have additional rights and choices regarding your personal information. Please see [Your California privacy rights](#) for more information.
- **Nevada Residents.** If you are a Nevada resident, please see our [Nevada privacy](#) section below for more information about our information practices.

11. Data security

We have implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration, and disclosure.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our website, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. If you have reason to believe that your interaction with us is no longer secure (for example, if you feel that the security of any account you might have with us has been compromised), please immediately [Contact us](#).

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our website. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the website

12. Your California privacy rights

The California Consumer Privacy Act of 2018 (“CCPA”) requires us to provide the following notice to California residents.

This notice does not apply to employment-related information of California-based employees, job applicants, contractors, or similar individuals. Where noted in this notice, the CCPA temporarily exempts personal information reflecting a written or verbal business-to-business communication (“B2B information”) from some of its requirements.

A. Information we collect

The information we collect and have collected about California residents in the last 12 months is described in [What information we collect](#) above. That information corresponds with the following categories of personal information under the CCPA:

Category	Examples	Collected
A. Identifiers.	Your name, delivery address, billing address, online identifier, Internet Protocol address, or email address.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	Your name, address, telephone number, credit card number, debit card number, or other payment-related information. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	In connection with our surveys and market research, we may request that you voluntarily provide us with demographic information, which may include information about your race, age, marital status, and/or veteran or military status. Whether you provide such information is voluntary.	YES
D. Commercial information.	Records of products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	We do not collect biometric information-	NO
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	We do not collect physical location or movements. However, some of our business partners may collect information about you through cookies or other technology on our website such that they are able to determine your physical location.	NO
H. Sensory data.	In connection with market research and taste tests, we may collect certain descriptions from you relating to the taste and smell of our	YES

	products. Whether you choose to participate and provide such information is voluntary.	
I. Professional or employment-related information.	In connection with market research and surveys, we may request that you provide certain information relating to your profession and income. Whether you choose to participate and provide such information is voluntary.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	NO
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences or characteristics.	YES

In the last 12 months, we have collected personal information from the sources described in [How we collect your information](#) above.

B. Use of personal information

In the last 12 months, we have used your personal information for the business and commercial purposes described in [How we use your information](#) above.

C. Sharing of personal information

The business and commercial purposes that we have shared your personal information in the last 12 months are described above in [Disclosure of your information](#). More specific information on that sharing is as follows:

- *Sharing your personal information for business purposes.* We have shared the following categories of personal information with our affiliated companies, franchisees, and service providers for our business purposes:
 - Category A: Identifiers.
 - Category B: California Customer Records personal information categories.
 - Category D: Commercial information.
 - Category F: Internet or other similar network activity.
 - Category K: Inferences drawn from other personal information.

As described above, examples of business purposes include performing transactions, registering accounts, managing our relationship with you, and monitoring for security threats and fraud.

- *Sharing your personal information for commercial or other purposes:* We have shared the following categories of your personal information with business partners and other third parties in a manner that is likely to be considered to be a "sale" under the CCPA:
 - Category A: Identifiers.
 - Category D: Commercial information.
 - Category F: Internet or other similar network activity.
 - Category G: Geolocation data. Although we do not collect geolocation information, some of our business partners may collect this information about you directly or indirectly through use of cookies or other technologies on our website.
 - Category K: Inferences drawn from other personal information.

As described above, this information may be shared for personalization, analytics, marketing, retargeting, and sales. We do not sell personal information of consumers we know are less than 16 years of age.

D. Your right to know

You have the right to request that we disclose certain information to you about our collection, use, disclosure, and sale of your personal information over the past 12 months. Once we verify your request, we will disclose to you:

- The categories of personal information we collected about you.
- The categories of sources for the personal information we collected about you.
- Our business or commercial purpose for collecting or selling that personal information.
- The categories of third parties with whom we share that personal information.
- If we sold or disclosed your personal information for a business purpose, two separate lists disclosing: sales, identifying the personal information categories that each category of recipient purchased; and disclosures for a business purpose, identifying the personal information categories that each category of recipient obtained.

We do not provide access rights to B2B information.

E. Your right to obtain a copy of your personal information

You have a right to obtain a copy of the specific pieces of personal information we collected about you (also called a data portability request). Once we verify your request, we will provide you a copy of your personal information that is responsive to your request.

We do not provide portability rights to B2B information.

F. Your right to delete your personal information

You have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we verify your request, we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

We do not provide deletion rights to B2B information.

G. Your right to opt-out of sale of your information

We do not sell our email lists or other personal information we collect about you for money. However, we use cookies and similar technologies in a way that may be considered a “sale” of your personal information under the CCPA. Where that is the case, we will comply with California “Do Not Sell” requirements.

H. How to exercise your CCPA rights

To exercise your general right to know, your right to obtain a copy of your information, or your right to delete your information contact us here.

Alternatively, you can telephone us at 1 (888) 914-9661 and entering the following PIN when prompted: 278285.

To exercise the right to opt-out of sale of your personal information, please use our cookie management tool by clicking the following link and follow the instructions to opt-out: Do Not Sell My Personal Information.

Please note that opting out of sales in the context of cookies will not stop us from advertising to you. We may still present contextual or other advertisements to you that do not rely on “sales” to our advertising partners.

Once you make an opt-out request, we will wait at least twelve (12) months before asking you to reauthorize personal information sales. However, you may change your mind and opt back into personal information sales at any time by visiting the following link and following the instructions to opt back in: Do Not Sell My Personal Information.

I. How we verify requests and respond to requests

Before fulfilling your request, we take steps to verify you are who you say you are or that you have authority to act upon someone else’s behalf. Therefore, upon receipt of your request, we will request additional information that we need to verify you and, if you are submitting a request on behalf of someone else, to verify that you are permitted to act on that person’s behalf.

When we contact you to request verification information, please respond and provide the information that we have requested. Depending on the nature of the request you make, we may require you to verify your identity to either a reasonable degree of certainty or high degree of certainty. This may mean that we need to match two or three pieces of information that we hold about you with information that you provide to us. In some cases, we may require you to sign a declaration under penalty of perjury that you are the consumer whose personal information is the subject of the request or that you are authorized to make the request on behalf of someone else.

In addition to providing the information we need to verify you or your authority, you must provide us with enough information so that we can understand, evaluate, and respond to your request. We cannot respond to your request or provide you with personal information if we cannot confirm the personal information relates to you.

We will only use personal information provided in a verifiable consumer request to verify your identity or authority to make the request and to locate relevant information. We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and to understand, evaluate, and respond to your request.

We cannot delete personal information in those situations where our retention is required for our own internal business purposes or otherwise permitted by the CCPA (such as fraud prevention or legal compliance). In these situations, we will retain your information in accordance with our records retention program and securely delete it at the end of the retention period.

J. Who may submit requests?

Only you, or someone legally authorized to act on your behalf, may make a request related to your personal information. You may also make request on behalf of your minor child. To designate an

authorized agent, you must provide the authorized agent with signed permission to make the request. If your authorized agent is a business entity, then the authorized agent must be registered with the California Secretary of State to conduct business in California. We may deny a request from an authorized agent that does not submit proof that it has been authorized to submit a request on your behalf. Further, before responding to a request from an authorized agent, we will still require you to (1) verify that you have provided the authorized agent permission to submit the request on your behalf; and (2) verify your identity directly with us.

K. How often you can submit requests?

You may make a CCPA consumer request twice within a 12-month period.

L. Response timing and format

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

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. When you request a copy of your personal information, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity easily.

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

M. Non-discrimination

We will not discriminate against you for exercising any of your CCPA rights. You have a right not to receive discriminatory treatment by us for exercising your privacy rights.

N. Other California privacy rights

California's "Shine the Light" law (Civil Code Section § 1798.83) permits users of our website that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To request a notice, please submit your request by postal mail to: Nothing Bundt Cakes Guest Services, 4560 Belt Line Road, Suite 350, Addison, Texas 75001. We will make every effort to promptly respond to your request.

13. Nevada privacy

Nevada residents have the right to opt out of the sale of certain "covered information" collected by operators of websites or online services. We currently do not sell covered information, as "sale" is defined by such law, and we do not have plans to sell this information.

14. Canada privacy

Nothing Bundt Cakes complies with Canadian Federal and Provincial privacy laws and regulations including the Personal Information Protection and Electronic Documents Act.

We will only use your personal information for purposes intended as detailed in this privacy notice unless we have obtained your consent to use it for other purposes.

Residents of Canada are notified that the personal information they provide to Nothing Bundt Cakes is stored in our databases located outside of Canada including in the United States and may be subject to

disclosure to authorized law enforcement or government agencies in response to lawful demand pursuant to the laws of that country.

15. Changes to our privacy notice

We will post any changes we may make to our privacy notice on this page. If the changes materially alter how we use or treat your information we will notify you by email to the primary email address specified in your account (if you have an account with us) and/or through a notice on the website home page. The date the privacy notice was last revised is identified at the top of the page. You are responsible for ensuring that we have an up-to-date email address for you and for periodically visiting our website and this page to check for any changes.

16. Contact us

If you have any comments or questions about our privacy notice, please use our [Contact Us](#) page to reach out to us. You may also call us at 1 (888) 914-9661 and enter the following PIN when prompted: 278285.

Our corporate office is located at 4560 Belt Line Road, Suite 350, Addison, Texas 75001. Please direct any mail inquires to the attention of: Nothing Bundt Cakes Guest Services.