

# Privacy Policy

Last modified: June 27, 2016

## 1. Introduction

Banyan respects your privacy and we are committed to protecting it through our compliance with this policy.

This policy (the “**Privacy Policy**”) describes the types of information we may collect from you or that you may provide when you use our products, software, services and our website banyansource.com any of our affiliated websites (together, our “**Websites**”) (collectively referred to as the “**Services**” in this document and excluding any services provided to you by Banyan under a separate written agreement) and our practices for collecting, using, maintaining, protecting, and disclosing that information.

This Privacy Policy applies to information we collect: (1) on our Websites; (2) through your use of our Services; (3) from e-mail, text, and other electronic messages between you and Banyan; and (4) through our offline communications with you. It does not apply to information collected by any third party (see *Data Security* below).

Please read this Privacy Policy carefully to understand our policies and practices regarding your information and how we handle it. By accessing or using our Services, you agree to this Privacy Policy and our Terms of Use (<https://banyansource.com/s/BanyanTermsofUse.pdf>). This Privacy Policy may change from time to time (see *Changes to our Privacy Policy* below). Your continued use of our Services after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

“**Banyan**”, “**we**”, “**our**”, and similar terms refer to Banyan Technologies, Inc. and its subsidiaries, successors in interest, assignees, officers, directors, employees, and agents. “**You**”, “**your**”, and similar terms refer to the individuals visiting and using our Websites and Services, as well as to the organizations or businesses that they represent. “**Seller**” means any individual, entity, or agent of the foregoing, that utilizes Banyan’s Services to sell Commercial Items (as defined in the Terms of Use <https://banyansource.com/s/BanyanTermsofUse.pdf>) to Buyers. Similarly, “**Buyer**” means any individual, entity, or agent of the foregoing, that uses Banyan’s Services to purchase Commercial Items from Sellers.

## 2. Information We Collect About You and How We Collect It

We collect several types of information from and about users of our Services, including information:

- that may be used uniquely to identify you, your business, or any other specific person, such as your name, postal address, e-mail address, or telephone number (your “**Private Information**”);
- that is about you or your business but has been made anonymous or aggregated so that it can no longer be used to identify you, your business, or any other specific person, whether in combination with other information or otherwise (for example, your purchasing history); and
- about your internet connection, the equipment you use to access our Services, and usage details.

We collect this information:

- directly from you when you provide it to us; and
- automatically as you navigate through our Websites. Information collected automatically may include usage details, IP addresses and information collected through cookies.

### **Information You Provide to Us**

The information we collect on or through your use of our Services may include:

- Information that you provide by filling in forms on our Websites. This includes information provided when you register to use our Websites, subscribe to our Services, and use our Services. We may also ask you for information when you report or troubleshoot a problem with our Services or your account.
- Records and copies of your correspondence (including e-mail addresses), if you contact us.
- Your responses to surveys that we might ask you to complete for research purposes.
- Details of transactions you carry out through our Services.
- Your search queries on the Websites.
- Information to provide you with location based services (such as search results and other personalized content).

### **Information We Collect Through Automatic Data Collection Technologies**

As you navigate through and interact with our Websites, 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 Websites, including traffic data, location data, logs and other communication data and the resources that you access and use on the Websites.
- Information about your computer and internet connection, including your IP address, operating system and browser type.

The information we collect automatically is statistical data and may include Private Information, or we may maintain or associate it with Private Information we collect in other ways or receive from third parties. It helps us to improve our Websites 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 Websites according to your individual interests.
- Speed up your searches.
- Recognize you when you return to our Websites.

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 Websites. 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 Websites.
- **Flash Cookies.** Certain features of our Websites may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from and on our Websites. Flash cookies are not managed by the same browser settings as are used for browser cookies.
- **Web Beacons.** Pages of our the Websites [and our e-mails] may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags and single-pixel gifs) that permit the Company, for example, to

count users who have visited those pages or [opened an e-mail] and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).

We do not collect private information automatically, but we may tie this information to Private Information about you that we collect from other sources or you provide to us.

### **3. How We Use Your Information**

We use information that we collect about you or that you provide to us, including any Private Information:

- To present our Services, including our Websites and its contents, to you.
- To provide you with information, products, or services that you request from us.
- To facilitate delivery logistics.
- To customize, measure, and improve our Services.
- To provide you with notices about your account, including expiration and renewal notices.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
- To notify you about material changes to our Services.
- In any other way we may describe when you provide the information.
- For any other purpose with your consent.

We may retain your information as long as it is necessary and relevant for our operations. After it is no longer necessary for us to retain your information, we will dispose of it in a secure manner.

### **4. Disclosure of Your Information**

We may disclose aggregated information about our users, and information that does not identify any individual, without restriction.

We may disclose Private Information that we collect or you provide as described in this Privacy Policy:

- To fulfill the purpose for which you provide it. For example, if you are a restaurant, we will disclose your business address to any Seller(s) with which you place an order.
- To guide decisions about products, sites, applications, tools, and marketing communications. Banyan will use your Private Information to send you marketing communications only if you have consented to receive such communications from us.
- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Banyan's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which information, including Private Information, held by Banyan about the users of our Services is among the assets transferred.
- To contractors, service providers, and other third parties we use to support our business and who are bound by contractual obligations to keep private information confidential and use it only for the purposes for which we disclose it to them.
- For any other purpose disclosed by us when you provide the information.

We may also disclose your Private Information:

- To comply with any court order, law, or legal process, including to respond to any government or regulatory request.
- To enforce or apply our Terms of Use [<https://banyansource.com/s/BanyanTermsofUse.pdf>] and other agreements, including for billing and collection purposes.
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of Banyan, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

## **5. Accessing and Correcting Your Information**

You can review and change your Private Information by logging into your account and visiting your profile page.

You may also send us an e-mail at [info@banyansource.com](mailto:info@banyansource.com) to request access to, correct, or delete any Private Information that you have provided to us. We cannot delete your Private Information except by also deleting your user account.

We will honor any statutory right you might have to access, modify or erase your Private Information. To request access and to find out whether any fees may apply, if permitted by applicable national laws, please contact us (see *Contact Information* below). We may not accommodate a request to change Private Information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

## **6. Data Security**

We have implemented measures designed to secure your Private Information from accidental loss and from unauthorized access, use, alteration, and disclosure. Private Information is stored using encryption on our secure servers behind firewalls.

Transmissions of Private information and payment information use the web standard SSL encryption. Although we do our best to protect your Private Information, we cannot guarantee the security of your Private Information transmitted through our Websites. Any transmission of Private Information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Websites.

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 our Services, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

This policy addresses only the use and disclosure of information collected by Banyan. If you disclose your information, including your Private Information, to third parties, or if you are directed to a third party website, that third party's privacy notices and practices will apply. We cannot guarantee the privacy or security of your information once you provide it to a third party and we encourage you to evaluate the privacy and security policies of your trading partner before entering into a transaction and choosing to share your information.

## **7. Your Information and Other Users**

In order to use or by using our Services, a Buyer or Seller may receive Private Information from another Buyer or Seller. Every Buyer or Seller shall protect the Private Information of any other Buyer or Seller in accordance with the standards outlined in this Privacy Policy.

## **8. Changes to Our Privacy Policy**

It is our policy to post any changes we make to our Privacy Policy on this page. If we make material changes to how we treat our users' Private Information, we will notify you by e-mail to the e-mail address specified in your account or through a notice upon

login to the Websites. The date the Privacy Policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable e-mail address for you, and for periodically visiting our Websites and this Privacy Policy to check for any changes.

**9. Contact Information**

To ask questions or comment about this Privacy Policy and our privacy practices, contact us at:

Banyan Technologies, Inc.  
1452 E 53rd Street  
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[info@banyansource.com](mailto:info@banyansource.com)