

# **RetailNext Privacy Policy**

Effective date: 10 July 2020

This policy relates to the practices of RetailNext Inc. ("RetailNext") regarding our websites and the products and services we sell.

This policy describes the personal information we collect about individuals ("you") on our own websites when you visit or provide information to us.

This policy also tells you how RetailNext, acting as a data processor, handles the data of individuals. Our products are sold to companies (our "customers"), and we process data at their direction. To understand how these companies handle your data, you must review their privacy policies to determine their practices.

## **What We Do**

When you visit our websites, we may collect information about your usage of our websites and any contact information you provide to us for marketing purposes and to improve the effectiveness of our marketing programs. We also allow you to submit information in order to apply for jobs at our company.

RetailNext also offers a set of products and services (the RetailNext "platform") to our customers, who are retailers and other business operators, to analyze things that happen in and around their stores and locations. Our customers may use our platform to collect data from sensors, including video cameras, to use along with other data, like purchases, weather, and third-party information, to manage their businesses. Our platform also helps our customers manage marketing programs. Learn more about how our products work at <http://docs.retailnext.net/cloud/product-capabilities/> and on our website at <https://retailnext.net/en/solutions/>.

Our customers can elect to share some of their data with RetailNext so that we may use it in aggregate to analyze retail traffic and sales trends. For example, we periodically report on retail performance trends: <http://retailnext.net/en/benchmark/>.

## **Visiting our Websites**

We operate several websites, including those used for marketing, customer support, and opt-out choice. We use cookies (a small text file placed on your computer to identify your computer and browser) and/or web beacons (a file placed on a website that monitors usage) to measure usage and improve the experience of our websites. You can configure your web browser to refuse all cookies or to indicate when a cookie is being sent.

When you visit our websites, we use third-party services for hosting, analytics, advertising, customer support, content acceleration, and other promotional purposes, including Google (Analytics, Ad Services, Tag Manager), Pardot, reCAPTCHA, Pendo, LinkedIn Insight Tag, Facebook and others.

We collect your email address and other contact and personal information you provide to us when communicate with us via email or when you enter it on our website. We use information about which web pages you access along with information you provide to improve the content of our web pages and the quality of our service. We use your contact information for marketing and sales purposes. We honor requests to opt out of marketing and sales communications; if you opt out, we will maintain your contact information in our "do not contact" list.

When you purchase or evaluate our products and services we may ask for information such as your name, company name, email address, billing address, and credit card information. We use information that you provide to deliver and bill for those products and services, identify and authenticate you, contact you, and other purposes like research for product improvement.

The information we collect is not shared with or sold to other organizations for commercial purposes, except to provide products or services you've requested, when we have your permission, or under the circumstances described in this policy.

We also contract with third-party service providers, such as virtual hosting infrastructure providers, to host our servers and databases and to provide other services to us. It is our policy to request that our service providers agree not to access or use any information or data they may have access to while providing services to RetailNext other than as specified by us and for the purpose for which it was originally collected. We shall remain responsible and liable under the Privacy Shield Principles if our service providers process information on our behalf in a manner inconsistent with the Privacy Shield Principles unless we prove that we are not responsible in that event.

Storage of this data is not always in your home country and may be transported across borders. As of the date of writing this, we store data in the United States in addition to the country in which it is collected, but we may add additional storage and processing sites without notice.

## **Web Browser DNT Notice**

We only share your activity on our website with third parties according to the terms described above. Because the websites we operate do not collect or use the type of information that is generally subject to your browser's "Do Not Track" (DNT) privacy preference, our websites do not look for this signal from your browser. Your DNT settings, however, may affect the third-party services we use (listed above).

Your web browser's DNT setting does not affect data collection for the Services described in this policy, but the "Data Access, Correction, Deletion, and other Rights" section below describes how you may opt out of other data collection.

## **Government Requests**

Notwithstanding anything to the contrary in this policy, we may preserve or disclose your information if we believe that it is reasonably necessary to comply with a law, regulation, national security requirement, or legal request or to protect the safety, property, or rights of RetailNext or others. However, nothing in this policy is intended to limit any legal defenses or objections that you may have to a third-party or government request to disclose your information.

## **Data Retention**

It is our policy to limit the retention of personal data we collect as long as it is necessary for the purposes stated in this notice.

## **Data Access, Correction, Deletion, and other Rights**

If you wish to access, correct, restrict, or delete data collected about you or object to or opt-out of future data collection, you may submit a request to the contact info below. You must provide us sufficient information to identify you, verify your identity, and identify the pertinent data and actions you wish to take. We will use commercially reasonable efforts to comply with your request.

## **Opting Out of Smartphone Location and Guest Wi-Fi Data Collection**

You may opt out of Smartphone Location Detection and Guest Wi-Fi Internet Service analytics data processing by RetailNext by using our online form at <https://privacy.retailnext.net/>.

## **Change of Control**

If RetailNext is involved in a bankruptcy, merger, acquisition, reorganization, or sale of assets, you agree that your information may be sold, transferred, or licensed as part of that transaction, so long as the new entity safeguards the information to the extent required by applicable law,

does not further disclose the personal data except to the extent necessary to continue to provide reasonable services, does not use it in any way that materially violates their then-current privacy policy. The material promises in this policy will apply to your information as transferred to the new entity, including your right to request to opt out of the service as described above.

## **U.S.-E.U. Data Processing**

EU and EEA data subjects should also review our supplemental privacy notice at [https://privacy.retailnext.net/retailnext\\_eu\\_privacy\\_notice.html](https://privacy.retailnext.net/retailnext_eu_privacy_notice.html), which includes information about our compliance with the General Data Protection Regulation (GDPR).

RetailNext participates in the EU-U.S. Privacy Shield framework as set forth by the U.S. Department of Commerce, and we are subject to the regulatory enforcement powers of the U.S. Federal Trade Commission.

When transferring personal data from the European Union to the United States, we comply with the Privacy Shield Principles of notice, choice, accountability for onward transfer, security, data integrity, purpose limitation, access, recourse, enforcement, and liability for data processed under that framework. We are also responsible for ensuring that third parties acting as an agent on our behalf do the same.

We have certified to the Department of Commerce that we adhere to the Privacy Shield Principles. Visit the program's website at <http://privacyshield.gov> to learn more about the Privacy Shield program and to view our certification.

We will investigate and attempt to resolve any complaints and disputes submitted to the contact info below. Please provide reasonable information for us to do so, which may include, but not limited to, your name, contact information and general nature of the complaint. If a complaint or dispute cannot be resolved through our internal process, we agree to participate in the dispute resolution procedures of the American Arbitration Association (<http://www.adr.org>) pursuant to the Privacy Shield Principles.

In certain circumstances, the Privacy Shield Framework provides the right to invoke binding arbitration to resolve complaints not resolved by other means, as described in [Annex I to the Privacy Shield Principles](#).

## **Our Policy Toward Children**

Our Services are not directed to persons under 13. If you become aware that your child has provided us with personal information without your consent, please contact us using the information below. We do not knowingly collect personal information from children under 13. If

we become aware that a child under 13 has provided us with personal information, we take steps to remove such information using the process described in this notice.

## **Changes and Contact Info**

From time to time, we update our Privacy Policy to account for new features or for other reasons. When such changes occur, you are able to view the new document on our site. If you have concerns or questions about our policy, contact us:

RetailNext  
Privacy Inquiries  
60 S. Market Street, Suite 310  
San Jose, CA 95113  
privacy-inquiries@retailnext.net

## **Prior Versions**

Updated 10 July 2020 to update website third party service providers. [Link](#) - [PDF](#)

Updated 23 April 2019 with new office address. [Link](#) - [PDF](#)

Updated 18 May 2018 to address the requirements of the GDPR and to make the notice layered and more concise. [Link](#) - [PDF](#)

Updated 1 April 2017 to explain our participation in the Privacy Shield program and make the notice more concise. [Link](#) - [PDF](#)

Updated 1 June 2016 to explain our marketing program automation product, clarify which products are affected by the choice to opt out at <https://privacy.retailnext.net/>, and update Safe Harbor information based on the changes in that program. - [Link](#) - [PDF](#)

Updated 1 May 2015 to update Safe Harbor status for RetailNext, add a section header for opting out, and clarify that information you provide to us on our marketing website may be used for sales and marketing purposes. - [Link](#) - [PDF](#)

Updated 1 September 2014 to clarify that data retention policies apply to systems operated by RetailNext. Customers may retain data outside our systems according to their own policies. - [Link](#) - [PDF](#)

Updated 13 March 2014 to incorporate cloud service policies - [Link](#) - [PDF](#)

Previous version archived 12 March 2014 - [Link](#) - [PDF](#)

From Nearbuy Systems (prior to its acquisition by RetailNext):

Updated 1 July 2013 to update office address - [Link](#) - [PDF](#)

Updated 1 May 2013 - [Link](#) - [PDF](#)

Initial version effective 19 December 2012 - [Link](#) - [PDF](#)

The latest version is always at <http://retailnext.net/policies/privacy-policy/>, with a printable version [here](#).

You can also track and compare changes to our policies on GitHub at <https://github.com/retailnext/privacy-policy>.