

JOHNSTONPLANTS.COM – PRIVACY POLICY

Effective Date: 1/1/2023

Johnstonplants.com (the “website”) is owned and operated by Johnston’s Evergreen Nursery, Inc. (“Johnston’s,” “our,” “us,” “we”), a Pennsylvania corporation with its principal place of business in Erie, Pennsylvania. Johnston’s has adopted this Privacy Policy (“Privacy Policy”) to inform you that it collects personal data when you use the website or engaging with emails, surveys, and/or our social media channels; and to explain how your personal data is used. You should contact Johnston’s directly with any questions or concerns.

Johnston’s may change, modify, amend, suspend, terminate, or replace this privacy policy within its sole and absolute discretion. In the event Johnston’s changes, modifies, amends, or replaces this privacy policy, the effective date, located above, will change. Your continued use of the website after a change in the effective date constitutes your manifestation of assent and agreement to the change(s), modification(s), amendment(s) or replacement(s) contained within.

Contact and Notices

All questions and concerns regarding this privacy policy may be submitted to Johnston’s at sales@johnstonplants.com or by contacting our corporate office by phone (814) 897-1900.

Definitions

General Data Protection Regulation (“GDPR”) means the European Union (“EU”) law on data protection and privacy applicable to individuals within the EU.

Personal data or personal information means any information relating to an identified or identifiable natural person. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

You/your means you or the company you are accessing the website on behalf of.

Services means Johnstonplants.com and its corresponding social media pages. Johnstonplants.com is an online nursery marketplace where gardening enthusiasts of all kinds can learn about and browse for a wide variety of plants that are grown and sold at Johnston’s Evergreen Nursery and Garden Center.

Types of Personal Data We Collect

Johnston's may collect the following information, which may contain personal data from you when you use the website:

- First name
- Last name
- Company name

- Email address
- Phone number
- Password (encrypted)
- Photographs
- Payment information

- Any other information that you voluntarily upload or submit to the Websites and/or Services directly or indirectly
- Your IP address
- Your zip code
- Your browser and search engine information
- Your visitor history
- Your usage of the website and/or services, including, without limitation, any links or items clicked, or pages viewed and statistics

- Information stored in cookies, pixel tags, or web beacons
- Analytical data from Google Analytics and/or Google AdSense
- Any other additional analytic data that you voluntarily submit to the website and/or services

Johnston's may collect this personal data from you through various channels, including, but not limited to, through your voluntary submission of information to the website and/or services, through requests or purchases initiated by you through the website and/or services, through the collection and analysis of information concerning your computer, mobile device, and browsing activities, through the use of cookies, web beacons, pixel tags, Google Analytics, Google AdSense, and through other sources permitted by law.

Cookies & Similar Technologies

The website and/or services also use cookies. A cookie is a small file which asks permission to be placed on your computer's hard drive. It is generally placed by your

browser and helps us analyze web traffic. Cookies also allow web applications to respond to you as an individual. Web applications can tailor their operations to your needs, likes, and dislikes by gathering and remembering information about your preferences.

We use traffic log cookies to identify which pages are being used. This helps us analyze data about web page traffic and improve our website by tailoring it to customer needs. We only use this information for statistical analysis purposes. Then, the data is removed from the system.

Overall, cookies help us provide you with a better website by showing us which pages you find useful and which you do not. In no way does a cookie give us access to your computer or any information about you, other than the data you choose to share with us. You can choose to accept or decline cookies. Most web browsers automatically accept cookies, but if you prefer, you can usually modify your browser setting to decline cookies. This may prevent you from taking full advantage of a personalized website experience.

In addition to cookies that power basic traffic and account settings, we use several Google Analytics features based on Display Advertising, including Remarketing, Google Display Network Impression Reporting, the DoubleClick Campaign Manager integration, and Google Analytics Demographics and Interest Reporting.

We use Remarketing with Google Analytics to advertise online. Third-party vendors, including Google, may show our ads on sites across the internet. We, as well as third party vendors including Google, use first party cookies (such as the Google Analytics cookie) and third-party cookies (such as the DoubleClick cookie) together to inform, optimize, and serve ads based on your past visits to our websites, as well as to report how our ad impressions, other uses of ad services, and interactions with these ad impressions and ad services are related to visits to our website. Similarly, we use Google Analytics Demographics and Interest Reporting (such as age, gender, location, and interests) to help improve the effectiveness of the information we display.

Know that through all of this, we will never facilitate the merging of personally-identifiable information with non-personally identifiable information previously collected from Display Advertising features based on the DoubleClick cookie unless we have notified you and received your consent (i.e., affirmative opt-in) to that merger.

You have a variety of tools available to control the data collected by cookies, web beacons, and similar technologies. For example, you can use controls in your internet browser to limit how the websites you visit are able to use cookies and to withdraw your consent by clearing or blocking cookies. You can also stop Johnston's from placing cookies (other than those required for the website to function) on your device by referencing the instructions below or by opting out using the cookie notification opt-out on your initial visit to the website.

The table below sets out how we use different categories of cookies and similar technologies, as well as information on your options for managing the settings for the data collection by these technologies:

Type of Cookie	Description	Managing Settings
Required Cookies (Strictly Necessary)	Required cookies enable you to navigate the website and use its features.	Because required cookies are essential to operate the website, there is no option to opt out of these cookies.
Functional Cookies (Non-Strictly Necessary)	<p>Functional cookies allow us to remember information you have entered or choices you make. By remembering this data, we can provide enhanced, more personal website features. We use Google Analytics to help us analyze how our website is used, including the number of visitors, where visitors come from, and the pages they visit.</p>	<p>To manage the use of functional cookies, please consult your individual browser settings. Opting out may impact website functionality for you.</p> <p>Learn more about safeguarding your data for websites using Google Analytics here. To opt out of our data collection by Google Analytics, download and install a Google Analytics opt-out browser add-on here.</p> <p>Learn more about Google Analytics Cookie Usage here.</p> <p>Facebook remarketing service is provided by Facebook Inc. Learn more about their interest-based advertising here. To opt-out of Facebook's interest-based ads, follow their instructions.</p>

		<p>You can also adjust your individual browser settings relating to cookies by visiting these pages:</p> <ul style="list-style-type: none"> · Google Chrome · Internet Explorer · Mozilla Firefox · Safari (Desktop) · Safari (Mobile) · Android Browser <p>For other browsers, please consult the documentation the browser manufacturer provides.</p>
<p>Targeting or Advertising Cookies (Non-Strictly Necessary)</p>	<p>We use Google Webmaster Tools and Google Analytics to log when users view specific pages or take specific actions on or getting to the website. Google Analytics specifically allows us to provide targeted future advertising. We may also use Google AdWords to acquire new clients who are looking for our service. We may use Google AdSense to show our clients other relevant advertising while they are using our website.</p>	<p>Learn more about how Google uses cookies targeted in advertising here.</p> <p>Adjust your Google Ad Settings and learn how opt out of particular targeted advertising here or on the Network Advertising Initiative opt-out page here.</p>

List of Cookies we use:

Cookie Name	Cookie Description
CART	Your association with the shopping cart

CATEGORY_INFO	Stores category information on the page, allowing quick page display
COMPARE	Your items in the Compare Products list
CURRENCY	Your preferred currency
CUSTOMER	Your encrypted Customer ID with the store
CUSTOMER_AUTH	Indicates if you are currently logged in store
CUSTOMER_INFO	Your encrypted customer group
CUSTOMER_SEGMENT_IDS	Stores the Customer Segment ID
EXTERNAL_NO_CACHE	Indicates whether caching is disabled or not
FRONTEND	Your Session ID on the server
GROWING-ZONE	Your USDA hardiness zone
GUEST-VIEW	Allows you as a guest to edit your order
LAST_CATEGORY	Most recent category visited
LAST_PRODUCT	Most recent product viewed
NEWMESSAGE	Indicates whether a new message has been received
NO_CACHE	Indicates whether caching is allowed
PERSISTENT_SHOPPING_CART	Links to information about your cart and viewing history
POLL	The ID of any polls you recently voted in
POLLN	Information on polls you voted in
REGION_CODE	Your state
RECENTLYCOMPARED	Items you recently compared
STF	Information on products you emailed to friends
STORE	Selected store view or language
USER_ALLOWED_SAVE_COOKIE	Indicates whether you allowed cookie use
VIEWED_PRODUCT_IDS	Products that you have recently viewed
WISHLIST	Encrypted list of products added to your Wishlist
WISHLIST_CNT	Number of items in your Wishlist
ZIP-CODE	Your zip code

Lawful Basis for Processing Your Personal Data

The lawful basis for us processing your personal data for the uses described above will typically be because you have provided your consent, it is necessary for our contractual relationship, and/or the processing is required for us to provide services to you.

How Johnston's Uses Your Personal Data

We use your personal data to improve our products or services, provide you with access to the website and/or services, process any requests made by you, communicate with you, identify and fix problems with the website and/or services, and update you regarding changes to the website and third party services offered through the website.

By using the website and/or services, you further authorize the following specific uses of your personal data:

- Enable your use of the websites and its associated services
- Improve algorithms
- Measure service usage

- Develop new features
- Contact and communicate with you, whether through email, telephone, text message, and/or chat messages within the website and/or services
- Send notifications, including push notifications, to your mobile device
- Customize and/or tailor the websites and/or services and your user experience, which may include targeted selection and display of third-party advertisements within the websites and/or services
- Aggregate certain information that does not include your personal information and disclose it for analysis, demographic profiling, and/or targeted advertising

- Advertise products and services of Johnston's
- Transmit and process your information and actions within the website and/or services
- Provide statistical information and include you in the same statistical information
- Provide you with technical service and support, including updates
- Provide you with information concerning Johnston's benefits or services

- Store, archive, retrieve, and make copies of your user generated content
- Understand your needs and requests
- Communicate promotions or other offers
- Process payments
- Improve our products, services, and customer experience

- Prevent and detect illegal activities or violations of your terms of use
- Combine your personal and personally identifiable information with information from Johnston's services and/or other services

- Facilitate your use of the website and/or services and upgrades/replacements to the website and/or services

Sharing of Your Personal Data

Johnston's will never sell your personal data to any third party without your permission. However, Johnston's will share your personal data with third parties in the following circumstances:

- Where Johnston's has obtained your consent
- Where sharing or disclosure of your personal data is necessary to provide you with the website access, services, and/or associated services (e.g., we may share your personal or personally identifiable information with trusted third parties who help us operate the website and/or services, provide the associated services, and conduct our business)
- Where sharing or disclosure of your personal data is necessary pursuant to a campaign with Facebook and/or Instagram
- Where sharing or disclosure of your personal data is necessary to share personal or personally identifiable information with Johnston's parents, subsidiaries, successors, assigns, licensees, affiliates, or business partners
- Where Johnston's has been purchased by a third-party
- Where sharing or disclosure of your personal data is necessary to respond to requests by government authorities
- Where your personal data is demanded by a court order or subpoena
- Where sharing or disclosure of your personal data is needed to protect the employees, independent contractors, officers, directors, members, users, or owners/shareholders of Johnston's
- Where sharing or disclosure of your personal data is needed to help prevent against fraud or the violation of any applicable law, statute, regulation, ordinance, or treaty
- Where Johnston's is otherwise legally obligated to share your personal or personally identifiable information

Johnston's Shares Your Personal Data with the Following Third Parties:

- Google, including Google Analytics (privacy policy [here](#))

No Liability Third-Party Services and Third-Party Links

The third-party service providers affiliated with Johnston's have their own independent privacy policies governing the use of your personal data. We encourage you to read those privacy policies carefully. You understand that even if Johnston's deletes your personal data, it may still be available in a third-party service provider's database. Johnston's has no responsibility or liability for the personal data collection, use, or storage activities of the third-party service providers.

Johnston's may outsource or subcontract some of our technical support, tracking and reporting functions, database management functions, and other services to third-parties. We may share information from or about you with them so that they can perform their services in compliance with this privacy policy and any applicable laws or regulations. You understand and agree that Johnston's will not be held responsible for any third party communications sent by entities that Johnston's does not own or control. You are encouraged to review any third-party privacy policies before utilizing any such third-party service.

Johnston's may include or offer third-party products or services on the website and/or services and provide third party links to the same. These third-party websites have separate and independent privacy policies. Johnston's has no responsibility or liability for the content and activities of such third-parties or their websites. We encourage you to read the privacy policies of all such third party websites. We seek to protect the integrity of the website and services and welcome any feedback about any such third-party websites.

Personal Data Transfer and Storage

Your personal data is stored and processed on computers and servers in the United States. Through your use of the websites and/or services, you consent to the processing and storage of your personal data and personally identifiable information. You understand that your personal data may be transferred to and maintained on computers located outside of your state, province, country, or other governmental jurisdiction. If you are located outside the United States and choose to provide personal data to us, please note that we transfer your personal data to the United States and process it here, and that we may store portions of your personal data in the United States.

Website and services users understand and agree that if they provide Johnston's with personal data that it may be stored indefinitely, depending upon the length of the session organizer's subscription.

Personal Data Security

Johnston's uses industry standard technology to store and help prevent against the unauthorized disclosure of your personal data. Though we undertake commercially reasonable efforts to protect your information, no website, software, or online service is completely safe. Accordingly, you provide all such information at your own risk.

In order to protect your personal data, Johnston's uses specific security measures, such as Secure Sockets Layer (SSL) protocol, which encrypts information you input at 128-bit strength. This is denoted in most web browsers by a small padlock application on the bottom bar of the window and the address of the window changing from http:// to https://, indicating a secure connection.

How to Stop Johnston's from Collecting your Personal Data

You may choose to restrict the collection or use of your personal information in the following ways:

- If you have previously given us permission to use your personal information for direct marketing purposes, you may change your mind at any time by emailing us at sales@johnstonplants.com
- If you would like to opt out of cookie tracking, you can do so by visiting Google Analytics' most current opt outs for the web.
- Additionally, using the Google's Ads Settings, visitors can opt out of Google Analytics for Display Advertising and customize Google Display Network ads.

We will not sell, distribute, or lease your personal information to third parties unless we have your permission or are required by law to do so. We may use your personal information to send you promotional information about third parties that we think you may find interesting if you tell us that you wish this to happen.

You may request details of personal information that we hold about you. If you would like a copy of this information, please email us at sales@johnstonplants.com.

If you believe that any data we are holding about you is incorrect or incomplete, please email us as soon as possible at the above address. We will promptly correct any information found to be incorrect.

Your Obligations

When using the websites and/or services, you are obligated to inform Johnston's of any changes to your personal data that would impact services rendered to you by Johnston's, such as mailing of invoices or delivery of ordered materials.

Children's Online Privacy Protection Policy

The website and/or services are not intended for or directed to users under the age of 18, and Johnston's does not knowingly or intentionally collect personal data from children under the age of 13 or other minors. Where applicable, Johnston's takes reasonable measures to determine that users are adults of legal age and to inform minors not to submit such information to the websites and/or services or in response to advertisements. If you are concerned that personal data may have been inadvertently provided to or collected by Johnston's, please contact us immediately so appropriate steps may be taken to remove such information from Johnston's database.