

**Arden Companies**  
**a wholly owned subsidiary of Central Garden and Pet**

**PRIVACY NOTICE**

Updated: August 30,2020

Central Garden & Pet and its affiliated entities (collectively, “**Central**”, “**we**”, “**us**,” “**our**”) are committed to protecting individual privacy and maintaining the trust of our customers (“**Customers**”) and visitors to our websites (collectively, “**Visitors**”). It is important to us that we provide transparency regarding our collection, use, and disclosure of Personal Data.

To help us meet this commitment to you, we have created this Privacy Notice (“**Privacy Notice**”). This Privacy Notice governs data protection matters across our suite of products (collectively, the “**Central Products**” or “**Products**”), including data provided by Visitors to the websites we control and that link to this Privacy Notice (“**Central Sites**”). This Privacy Notice, along with our Terms of Use, form an integral and binding part of our relationship with you.

**1. What Does This Privacy Notice Apply to?**

This Privacy Notice describes how we use, share, and protect the Personal Data of Customers and Visitors who visit the Central Sites. It also describes the rights and choices regarding use, access to, and correction of Personal Data available.

**2. What Information Do We Collect and Why?**

We may collect Personal Data in various ways, such as when you: enter into a transaction or contractual arrangement with us; participate in our programs or activities; provide data at industry events and trade shows; visit our facilities or we visit you at your offices; contact our customer service; or in connection with your inquiries and communications with us. We may also collect Personal Data from other sources, including Customers, data companies, publicly-accessible databases, and joint marketing partners.

We have created the following table to help you understand the categories of Personal Data that we are responsible for and process as a data controller:

<b>Categories of Personal Data:</b>	<b>Specific Types of Personal Data:</b>	<b>Why We Collect It – Our Purposes and Legal Bases</b>
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<p>Customer Data</p>	<p><b>Contact Information:</b> First and last name, email address, , phone number , physical address.</p> <p><b>Marketing Preferences and Customer Service Interactions:</b> Marketing preferences; responses to voluntary surveys.</p> <p><b>Operational Data:</b> Transactions, sales, purchases, uses, supplier information, credentials to online services and platforms, and electronic content produced by individuals using company systems, including online interactive and voice communications such as blog, chat, webcam use, and network sessions.</p>	<p>Communicate with Customers for the purpose of our contractual relationship or for our legitimate interest. This includes:</p> <ul style="list-style-type: none"> <li>• Informing Customers about our various products.</li> <li>• Tracking and responding to Customers' inquiries, reports, reviews or correspondence regarding Products.</li> <li>• Administering Customer account(s).</li> <li>• Providing and improving our customer service.</li> <li>• Facilitating communications generally in the context of our business activities.</li> <li>• Sending administrative information to Customers, such as changes to our terms, conditions and policies.</li> <li>• Enforcing our Terms of Use and any other contractual terms and conditions that govern the relationship between Central and Customers.</li> </ul> <p>Operate our business for the purpose of our contractual relationship or for our legitimate interest. This includes:</p> <ul style="list-style-type: none"> <li>• Continuously improving, customizing and personalizing our Products.</li> <li>• Analyzing and improving the safety and quality of our Products.</li> <li>• Supporting internal Central operations, including CRM and Customer support.</li> <li>• Providing you with Products.</li> <li>• Managing and allocating Central assets and resources.</li> <li>• Carrying out strategic planning and project management.</li> <li>• Compiling audit trails and other reporting tools.</li> <li>• Financial management, budgeting and reporting.</li> <li>• Managing our disaster recovery and business continuity plans and procedures.</li> <li>• Maintaining our records relating to business activities.</li> <li>• Operating and managing our IT and communications systems.</li> <li>• Carrying out data analysis, audits, and identifying usage trends.</li> </ul>
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Provide personalized Products and information of interest to you with your consent, or where we have a legitimate interest. This includes:

- Better understanding you and personalizing our interactions with you.
- Marketing the Products.
- Analyzing and predicting your preferences in order to improve our interactions with you, and to deliver information that we believe will be relevant to your interests.

Engage with you as a business relation with your consent, when we have a contractual relationship or for our legitimate interest. This includes:

- Reaching out to you in the context of surveys relating to the Products.
- Seeking your views on the Products promoted by Central, and our affiliates or business partners for development and improvement purposes.
- Inviting you to participate in special programs, activities, contests, events, or promotions. Some of these may have additional rules containing information about how we will use and disclose your Personal Data.

Manage our business to comply with our legal obligations, or when we have a legitimate interest. This includes:

- Meeting our regulatory monitoring, recordkeeping and reporting obligations.
- Conducting audits.
- Detecting, preventing and investigating fraud, including carrying out due diligence and know your customer checks.
- Identifying potential conflicts of interest.
- Complying with sanction rules and anti-corruption, anti-bribery, and transparency obligations.
- Responding to legal processes such as subpoenas, pursuing legal rights and remedies, and defending litigation.
- Conducting internal investigations, managing internal complaints or claims, and complying with internal policies or procedures.

**Arden Companies**  
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Prospective Customer Data	First and last name, email address, employer, phone number, physical address.	<ul style="list-style-type: none"> <li>• For marketing purposes, such as re-engaging with prospective Customers who have expressed an interest in our products.</li> <li>• Responding to your inquiries, for example, when you send us questions, suggestions, compliments or complaints, or when you request further information about our Products</li> </ul>
Visitors	<b>Contact Information:</b> Name; company; business address; business email; business telephone.	<p>Provide you with our newsletter and/or other marketing materials and facilitate social sharing with your consent or where we have a legitimate interest. This includes:</p> <ul style="list-style-type: none"> <li>• Sending you marketing related emails, with information about new products and other news about our company.</li> <li>• Facilitating social sharing functionality that you choose to use.</li> </ul>

a.

**3. What Are Our Legal Bases for Processing Personal Data?**

We collect and process Personal Data about you only where we have a legal basis for doing so. Our legal bases for processing Personal Data are dependent on the purpose and context of the processing activity.

Our legal bases include:

**a. Legitimate Interests (Customer Data)**

We process Customer Data to further our own legitimate interests, which may include:

**Arden Companies**  
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- (i) providing our Customers with market-leading Products;
- (ii) continuously improving, customizing, and personalizing our Products;
- (iii) Taking measures to protect against fraud, spam, and abuse; and/or
- (iv) aggregating and/or anonymizing Customer Data, so that they will no longer be considered Personal Data. We do so to generate other data for our use, which we may use and disclose for any purpose. We will engage in this activity because we have a legitimate interest.

**b. Consent (Customer Data)**

We obtain consent to send marketing communications to our potential Customers and leads. Where you have provided your consent to receive marketing communications from us, you can withdraw your consent at any time by clicking on an unsubscribe link in each marketing communication or changing settings in your account, but doing so will not affect the processing that has already taken place.

**c. Contractual Necessity**

We process Customer Data based on contractual necessity, which may include providing the Products to our Customers.

**d. Legal Obligation**

Central may be required, under applicable EU or EU member state law, to obtain and store certain Personal Data. For example, Central may be required to obtain and store data relating to Customers for reporting purposes.

**4. How Do We Use Personal Data?**

We may use Personal Data for the following purposes:

- (i) [Marketing: This includes storing and retrieving Personal Data as needed by our Customers, processing transactions with Customers, communicating with our Customers, and for any other purposes that our Customers request;
- (ii)
- (iii) To enforce our Terms of Use and any other agreements;
- (iv) As otherwise required or permitted by law;
- (v) To improve, modify, and measure the performance of our Platforms.

**5. How Do We Disclose Personal Data?**

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We will not disclose any Personal Data we collect from you to any third parties **except** as indicated below:

- a. Our Affiliates.** We may disclose Personal Data to any of our subsidiaries and affiliates within the Central Garden and Pet organization.
- b. Business Partners.** We may partner with select retailers and other companies at various times to provide expanded services to our Site visitors. As part of such a relationship, we may share with these companies the use of certain interactive Site functions. Information provided by our Site visitors through the use of such interactive functions may be available to both us and our partners.
- c. Service Providers.** We may disclose Personal Data to our service providers who perform certain services necessary to run our business (for example, data hosting and development, data analysis, customer service, auditing and other services), provided that these service providers have entered into legally binding agreements with us to protect the Personal Data shared, limit their use of the Personal Data, and assist us with our compliance requirements.
- d. Legal Request.** We may disclose Personal Data to comply with applicable law and our regulatory monitoring and reporting obligations (which may include laws outside your country of residence), to respond to requests from public and government authorities (which may include authorities outside your country of residence), to cooperate with law enforcement, or for other legal reasons.
- e. Business Transfer.** We may disclose Personal Data to a buyer or successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Central's assets, whether as a going concern or as part of bankruptcy, liquidation, receivership, or similar proceeding in which Personal Data held by Central are among the assets to be transferred.
- f. Enforcement of Our or Others' Rights.** We may disclose Personal Data to the extent they are necessary to enforce or protect our rights, privacy, safety or property, and/or that of our affiliates, you or others, including enforcing our Terms of Use and any other agreements (such as for billing and collection purposes and fraud prevention).

## **6. Children**

We do not knowingly collect Personal Data from children under the age of sixteen (16) without authorization by a holder of parental responsibility. If you believe that we may have collected Personal Data from or about a child under the age of sixteen (16), please contact us at Arden Companies 248-415-8500 or send an email to [Customerservice@ardencompanies.com](mailto:Customerservice@ardencompanies.com) with the subject line "Personal Data of a Minor".

**Arden Companies**  
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## **7. How Do We Protect Your Personal Data?**

At Central we take the protection of your Personal Data seriously. We make every reasonable effort to prevent unauthorized use, disclosure, loss, or theft of your Personal Data. Central employees who have access to your Personal Data are made aware of the importance of keeping it confidential. Where we collect your payment card information, we will comply with all applicable Payment Card Industry Data Security Standards (PCI-DSS).

When we rely on service providers that may require access to your Personal Information, we require them to have adequate privacy and security standards. We use contracts and other legally binding measures with our service providers to maintain the confidentiality and security of your Personal Data, and to prevent such information from being used for any other purpose.

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

## **8. Transfers outside of the EEA**

Your Personal Data may be stored and processed in any country where we have facilities or in which we engage service providers, and by visiting our Sites and/or purchasing our Products you understand that your information will be transferred to countries outside of your country of residence, including the United States, which may have data protection rules that are different from those of your country. In certain circumstances, courts, law enforcement agencies, regulatory agencies or security authorities in those other countries may be entitled to access your Personal Data.

- a. Adequacy Decision:** Some non-EEA countries are recognized by the European Commission as providing an adequate level of data protection according to EEA standards (the full list of these countries is available at [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en)). For transfers from the EEA to countries not considered adequate by the European Commission, we have put in place adequate measures, such as standard contractual clauses adopted by the European Commission to protect your Personal Data. You may obtain a copy of these measures by contacting us in accordance with the “How to Contact Us” section below.
- b. Privacy Shield:** We, and some of our affiliates, may rely on the Privacy Shield framework for transfers of Personal Data from the EEA to the US. Please see Section 9 below for additional information.

Please note that when your Personal Data are located outside of the EEA, they may be subject to the laws of the country in which they are hosted.

**Arden Companies**  
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**9. Privacy Shield (*Our Transfers of Personal Data from the EU to the United States*)**

Central and its subsidiaries comply with the EU-U.S. Privacy Shield Framework and/or the Swiss-U.S. Privacy Shield Framework(s), as applicable, as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of Personal Data transferred from the European Union, the United Kingdom, and/or Switzerland, as applicable, to the United States. Central has certified to the Department of Commerce that it adheres to the Privacy Shield Principles, which includes the Supplemental Principles (collectively, the “Privacy Shield Principles”), for Personal Data transferred from the European Union, the United Kingdom, and Switzerland pursuant to our Privacy Shield certification.

Personal Data transferred to Central in the United States from the European Union, United Kingdom and Switzerland includes Personal Data from Central’s Customers. Central will collect, use, disclose and provide access to Personal Data that is transferred pursuant to its Privacy Shield certification as otherwise described in this Privacy Notice. If there is any conflict between the terms in this Privacy Notice and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>.

We sometimes contract with other companies and individuals to perform functions or services on our behalf, as described above in Section 5. We are responsible for ensuring our service providers process Personal Data in a manner consistent with our obligations under the Privacy Shield Principles.

In compliance with the Privacy Shield Principles, Central commits to resolve complaints about our collection or use of your Personal Data. European Union and/or Swiss individuals with inquiries or complaints regarding our Privacy Shield policy should first contact Central at 248.415.8500. We will investigate and attempt to resolve complaints and disputes regarding our use and disclosure of Personal Data in accordance with the Privacy Shield Principles.

If we are unable to resolve your question or concern you may contact JAMS at <https://www.jamsadr.com/> and they will assist you in resolving your complaint.

These recourse mechanisms are available at no cost to you. Please note that if your complaint is not resolved through these channels, under limited circumstances a binding arbitration option may be available before a Privacy Shield Panel (see here for more information <https://www.privacyshield.gov/article?id=ANNEX-I-introduction>).

Central is subject to the investigatory and enforcement powers of the U.S. Federal Trade Commission.

In cases of onward transfer of Personal Data of EU or Swiss individuals to third parties received by Central pursuant to the Privacy Shield, Central is potentially liable.



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## **10. Retaining Your Personal Data**

We retain Personal Data for as long as needed or permitted in light of the purpose(s) for which they were obtained and consistent with applicable law. The criteria used to determine our retention periods include:

- The length of time we have an ongoing relationship with you and provide the Products to you;
- Whether there is a legal obligation to which we are subject (for example, certain laws require us to keep records of your transactions for a certain period of time before we can delete them); or
- Whether retention is advisable in light of our legal position (such as in regard to applicable statutes of limitations, litigation or regulatory investigations).

## **11. Keeping Your Information Updated**

Please contact us at [customerservice@ardencompanies.com](mailto:customerservice@ardencompanies.com) to update your information.

## **12. Your Individual Rights**

Under the GDPR (and subject to any relevant exceptions) you have the right to **access, correct, change, delete, restrict**, exercise your right to **data portability**, or **object** to the processing of Personal Data.

As a Customer, you can exercise your rights by contacting us directly at [customerservice@ardencompanies.com](mailto:customerservice@ardencompanies.com) with the subject line “Exercise of EU Data Subject Right”. We may first request verification of your identity prior to facilitating the exercise of your right.

**You can also elect not to receive marketing communications by changing your preferences in your account, or by following the unsubscribe instructions in each communication.**

We will retain Personal Data in order to comply with legal requirements, protect our and others’ rights, resolve disputes, or enforce our legal terms or policies, to the extent permitted under applicable law.

You may also lodge a complaint with an EU/EEA data protection authority for your country or region where you have your habitual residence or place of work or where an alleged infringement of applicable data protection law occurs. A list of data protection authorities is available at [http://ec.europa.eu/newsroom/article29/item-detail.cfm?item\\_id=612080](http://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=612080).

## **13. Information for California Consumers**

The information and rights in this section apply specifically to California residents.

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In compliance with the California Consumer Privacy Act (“CCPA”), Central does not sell, trade, or rent our Visitor’s Personal Information for compensation, nor have we done so in the preceding twelve months.

California residents are entitled to contact us to request information about whether we have disclosed Personal Information to third parties for the third parties’ direct marketing purposes. Currently Central does not disclose Personal Information to third parties for their direct marketing purposes. Thus, upon receipt of such a request by a California consumer, and as required by California state law, we will respond with either (1) a confirmation that we have not disclosed any Personal Information to third parties for their direct marketing purposes in the previous calendar year, or (2) if our practices have changed, provide a list of all third parties to whom Personal Information was disclosed for their direct marketing purposes in the preceding calendar year, whichever is relevant. California consumers may request further information about our compliance with this law by emailing us at [customerservice.com](mailto:customerservice.com).

California consumers have the right to:

- Request disclosure of the categories and specific pieces of Personal Information that a business has collected about you;
- Request disclosure of the categories of third-party sources, if any, from which a business has collected Personal Information about you;
- Disclosure of the business or commercial purpose(s) for which your Personal Information has been collected;
- Receive a list of the categories of third parties with whom a business has shared your Personal Information;
- Request that a business delete any Personal Information that it has collected from you (subject to exceptions); and
- Not be discriminated against by a business (e.g. charged different rates, provided different levels of service, denied goods or services, or suggested any of the preceding) for exercising any of the individual rights granted above.

To exercise any of your rights as a California consumer, you should send a written request to [customerservice@ardencompanies.com](mailto:customerservice@ardencompanies.com).

Before complying with your request, we may need to verify that it is you that is making the request. To accomplish this, you may be requested to (1) confirm specific Personal Information that we already know about you; or (2) provide us with appropriate identification. California consumers are limited to one request for Personal Information per twelve-month period.

Only you or an authorized agent may make a verifiable employee request related to your Personal Data. We are only required to respond to a verifiable employee request for access or data portability twice within a 12-month period. The verifiable employee request must provide sufficient information to allow us to verify you (or an authorized agent) are the person about whom we collected Personal Data.

**Arden Companies**  
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We will not provide you with Personal Data if we cannot verify your identity or authority to make the request and confirm the Personal Data relates to you. Making a verifiable employee request does not require you to create an account with us. We use Personal Data provided in a verifiable employee request solely to verify the requestor's identity or authority to make the request.

We will acknowledge receipt of your request to know or deletion request within 10 days. We will respond to a verifiable employee request within 45 days of its receipt. If we require more time (up to 90 days), we will inform you of the reason and extension period. If you have an account with us, we will deliver our response to the email address for that account. If you do not have an account with us, we will deliver our response by US mail or electronically at the email address in your request, at your option. All disclosures we provide will only cover the 12-month period preceding the verifiable employee request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable.

We do not charge a fee to process or respond to your verifiable employee 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.

#### **14. Updates to this Privacy Notice**

It is our policy to post any changes we make to our Privacy Notice on this page, with a notice that it has been updated on our main homepage. If we make material changes to how we treat your Personal Data, we will notify you through a notice on the homepage. The date that this Privacy Notice was last revised is listed at the top of the page. You are responsible for visiting our site and this Privacy Notice to check for any changes.

#### **15. How to Contact Us**

If you have any questions or complaints related to our practices with respect to the collection, use, or disclosure of Personal Data, please feel free to contact us at [customerservice@ardencompanies.com](mailto:customerservice@ardencompanies.com) .