

# BRITISH COLUMBIA WINE INSTITUTE PRIVACY POLICY

*Last Update: June, 2020*

Please read the following policy carefully before using this Site or providing us with information about an identifiable individual (“**Personal Information**”).

## **PURPOSE & SCOPE**

The purpose of this privacy policy (the “**Policy**”) is to provide you with information about how British Columbia Wine Institute (“**Wines of British Columbia Explorer**”, “**we**”, “**us**”, or “**our**”) collects, uses and discloses your personal informal information in connection with your access to and use of the <https://tasteadvisor.co> website, mobile application (“**App**”) and all related webpages (collectively, the “**Site**”) and the services available thereon, including the curation of wine and other alcoholic beverage recommendations based on your personal preferences and tastes (collectively, the “**Services**”). This Policy also applies to any person providing services on our behalf.

We are committed to protecting your privacy and will manage your Personal Information in accordance with all applicable privacy laws including the *Personal Information Protection and Electronic Documents Act* (Canada), *Personal Information Protection Act* (British Columbia) and *Personal Information Protection Act* (Alberta).

By installing the App, creating a Wines of British Columbia Explorer account, or using the Site or Services, you acknowledge the notices in this Policy and you consent to our collection, use, disclosure, and retention of your Personal Information in accordance with this Policy and as otherwise permitted by law. You may withdraw your consent at any time by giving us reasonable notice.

## **COLLECTION OF YOUR PERSONAL INFORMATION**

The Site and Services are intended for use by adults of legal drinking age in the jurisdiction in which you reside. We do not knowingly collect Personal Information from individuals under the legal drinking age. If you are under the legal drinking age in your jurisdiction, please do not submit any Personal Information through the Site or Services. If you believe we have inadvertently collected such Personal Information, please contact our Privacy Officer at the contact information listed in this Policy immediately so we can remove the information.

We use a third party cloud-based platform as a service and hosting service, TasteAdvisor Inc., a British Columbia, Canada corporation (“**TasteAdvisor**”) to provide a platform and additional services for the Site and Services. Any Personal Information you provide when you interact with us or use the Site or Services is collected directly by TasteAdvisor on our behalf.

We also collect Personal Information from you automatically, which is addressed in more detail below. In some cases, we may seek your consent for the use and disclosure of your Personal Information after it has been collected, but before it has been used or disclosed (e.g. where we want to use your Personal Information for a purpose not previously identified to you). We will

not use or disclose your Personal Information for any new purpose without first identifying the new purpose and providing notice to or obtaining your consent (as applicable), unless permitted by law.

You can always choose not to provide us with certain of the Personal Information we request, however you may not be able to access or utilize all or part of the Site or Services.

### **Personal Information You Provide**

- Contact information: we collect your Personal Information when you contact us directly to inquire about the Site or Services. This may include your first and last name, e-mail address, phone number, and other information that you choose to provide to us.
- Account and profile information: we collect your Personal Information when you register for an account (“**Account**”) with us, and when you create or modify your Account or user profile. This includes information such as your first and last name, your e-mail address, phone number, username, password, age, gender, location and time zone.
- Preferences: we collect information about your wine preferences, such as the type, body, sweetness, price point, taste, aroma and other tasting notes of your preferred wines.
- Photograph: we collect your photograph when you choose to upload such photograph to your Account, whether through your Facebook, Google or other social media service account or directly through the Site.
- Ratings and reviews: we collect Personal Information that you may include in any feedback that you provide to us through the App, including ratings, reviews and photographs about a product or service, and comments that you submit on our Site or Services.
- Chat information: if you choose to communicate with one of our experts using the online chat feature on the Site, we may collect any information that you disclose to us through such means.
- Winery information: if you are a merchant in the wine or similar industry, we collect information about your product(s), location(s), event(s) or other similar content that you disclose to us voluntarily.
- Other information: we may collect any of the information or content that you provide through our Site voluntarily. For example, when you e-mail us for information about us and our Services. We collect the Personal Information to provide you with the information or service that you have requested.

### **Personal Information Automatically Collected When Using the Site**

- (a) Social Media Information

If you register for an Account or login to your Account via your Facebook, Google or other social media service account, we will receive basic information from your profile on the applicable service, which may include your username, name, gender, friends and profile photo.

(b) Location Information

If you permit the Site or Services to access location services through the privacy settings on your mobile device or browser, we may also collect the location of your device when the App is running in the foreground or background of your device.

If you have enabled location services in the App through your mobile device, we will track your geolocation on a real time basis when you are logged into the App in order to provide you with relevant information and promotions for wines and wineries near where you are located. You can choose whether to enable the location tracking feature through the settings on your mobile device. If you choose to disable access to location services through your mobile device, this means that the App will not receive location information from your device, which may affect the functionality available to you. You can also view your location information through your Account.

(c) Technical Information

We automatically collect the following technical information about your Site and Services usage:

- the web browser, device and operating system that you are using;
- the sections of the Site that you visit;
- the date and time of your use of the Site and Services and your in-media time;
- if you were on another website before visiting the Site and if that website referred you to our Site, the URL of that previous website; and
- the Internet Protocol (IP) address of your Internet Service Provider.

We do not link any of the above information with information that is personally identifiable to you. We collect this data in an aggregate format for a number of reasons, including to understand the traffic on our Site, how it is used, and how we can improve it. We also collect this data to ensure that the App is compatible with your device. We do not share this aggregate data with third parties except for the possible use of web analytics companies as described below.

(d) Pixel Tags or Web Beacons

A pixel tag (also known as a web beacon) is a piece of code embedded in the Site that collects information about visitors' engagement on that web page. The use of a pixel allows us to record, for example, that you have visited a particular web page on the Site.

(e) Web Analytics

We may use third party analytics tools, such as Google Analytics, Facebook, and Intercom, to track certain Site usage information in a way that does not personally identify you. Such information may include, name, email, age, gender, device or network used to access the page, geolocation, etc.. This data is used for aggregate reporting purposes. None of this data is used by us or our service providers to identify you. These third party analytics companies may use cookies and other tracking technologies to perform their services. To learn more about Google's privacy practices, including how you can view and edit your preferences, please see the Google [Privacy Policy](#). Information about how to opt-out of certain types of interest-based ads is available [here](#).

## **USE OF YOUR PERSONAL INFORMATION**

We will only use your Personal Information to fulfill the purpose for which it was originally collected, or for a use consistent with that purpose, unless you expressly consent otherwise or it is permitted or required by law. We may contact you to inform you about our services, including new wineries and wine selections, in different ways including by mail, email, telephone, or other means to which you have agreed.

We may use the Personal Information that we collect for the following purposes:

- To provide services to you: we use your Personal Information to provide you with access to the Site and/or Services, including to set up your Account and user profile, and to administer your use of the Site and/or Services. For example, we use your taste preferences to generate wine and winery recommendations for you.
- To communicate with you: we use your Personal Information to contact and correspond with you directly about our relationship and your use of the Site and/or Services. For example, we may use your Personal Information to respond to specific requests and inquiries from you, including to provide you with information and services that you request.
- To personalize the Site and Services: we use your Personal Information to identify what may be of interest to you, and what services, information and/or offers may be more relevant to you. For example, we may use your address to determine whether there are wines and wineries located near you, and where we have your consent to do so, we may use your contact information to send you information and updates about such wines and wineries, including special offers from our partners.
- To generate aggregated statistics: we may use your information to conduct data analysis, testing, research and monitor and analyze Site usage and activity trends.
- To improve our Site and Services: we may use your Personal Information to improve the Site and/or Services. For example, we may use the comments and suggestions that you provide to improve our App.
- For security purposes: we may use your Personal Information to monitor suspicious or fraudulent activity, protect the security of the Site and Services, and identify violations of the Terms of Use.

- Troubleshooting and user support: we may use your Personal Information to respond to customer service requests regarding your Account, the Site or the Services, and to administer and resolve technical issues on our Site and Services.
- Legal: we may use your Personal Information to meet legal and regulatory requirements.
- Other: we may use your Personal Information to facilitate such other services and activities, as we may identify to you at the time.

If you provide us with your e-mail address, you may receive electronic communications from us from time to time. These electronic communications will provide you with our contact information and a method to opt-out and unsubscribe from receiving marketing information and any further communications from us. You can also opt-out of receiving further marketing communications from us by contacting our Privacy Officer via the email address below. We may use your e-mail address to communicate with you regarding important matters, such as information about your account. You may not opt-out of receiving communications required by law, or necessary to provide you with requested services.

## **DISCLOSURE OF YOUR PERSONAL INFORMATION**

Except as described in this Policy or in other situations where we have provided you with prior notice, have obtained your consent, or are obligated or permitted by law, we will not share your Personal Information with third parties.

### **Wineries and Business Partners**

Wineries will be able to download annual reports from the Site that are drawn from the aggregate statistics of the users who have tried their respective wines and other product(s). These reports will not include any of your Personal Information nor your wine preferences. If an individual user wants to provide feedback to a winery or wine distributor confidentially, the user should arrange that directly with such winery or wine distributor outside of our Site or Services.

### **Third Party Service Providers**

We may disclose certain Personal Information to third party service providers, to carry out work on our behalf. Currently, we use third party service providers set out below:

- Site and Services design and operation: we use a third party company, TasteAdvisor, to provide the platform that we use for the Site and Services.
- Developed and Managed IT Services: TasteAdvisor uses a third party company, FireStitch Inc., to provide developed and managed information technology services for the Site and Services and to compile statistics and analytics for us about aggregate use of and interaction with the Site and Services.

- Hosting and content delivery network services: TasteAdvisor uses a third party host, Amazon AWS, to host our Site and Services. Amazon AWS's servers are resident in Canada.

We may partner with additional third-party advertisers, ad server companies, and ad networks (“**Third-party Advertising Companies**”) to promote our Services or certain product(s). If you respond to one of our advertisements and visit or register to use our Services, we or our third party service providers may provide these Third-party Advertising Companies with identifiers from your device or computer, such as an IP address or device ID, to help us analyze our user acquisition efforts.

The third party service providers will have access to Personal Information needed to perform their services, but are only provided the limited amount of information required to perform their services. When we use third party service providers, we require the providers to protect your Personal Information in accordance with the law and with no less than the same or more stringent security and privacy standards than we apply. Any such disclosure of your Personal Information by us to a third party service provider will be conditional upon the information being used solely for the purpose for which it has been disclosed.

With the exception of our third party service providers, we will only share your Personal Information outside of the Site or Services with your consent, or where we use it to provide you with information or services you request (in which case we will consider you to have given your implied consent).

The third party service providers identified in this Policy are located across multiple jurisdictions, and your Personal Information may be stored, accessed or used in the United States or Canada and may be subject to the laws and access by government or regulatory organizations in those jurisdictions. If you have any questions about our policies and practices with respect to such service providers, including the collection, use, disclosure, and storage of Personal Information, you can contact our Privacy Officer at the contact information listed in this Policy.

### **Business Changes**

In the event we go through a business transaction such as a merger, acquisition by another company, or a sale of all or a portion of our assets, your Personal Information may be among the assets transferred and any such acquirer of us or our assets may continue to collect, use and disclose your Personal Information as set forth in these Terms.

### **Where Required or Authorized by Law**

We may also disclose your Personal Information where authorized or required by law. For example, we may disclose your Personal Information to comply with a subpoena, in response to a law enforcement body with the lawful authority to obtain the information, pursuant to an investigation into the breach of a law, or to our legal counsel.

## **SECURITY & PROTECTION OF YOUR PERSONAL INFORMATION**

Wines of British Columbia Explorer takes reasonable steps to protect your Personal Information. We have implemented reasonable physical, technical and organizational measures to protect against unauthorized access, collection, use, disclosure, and disposal, in a manner appropriate to the sensitivity of the information. As well, we will use care when destroying or disposing of Personal Information to prevent unauthorized access, use or disclosure of any Personal Information. Our employees and independent contractors with access to Personal Information are required to respect the confidentiality of such information.

The Site includes links to external websites. Once you leave the Site, this Policy does not apply. We are not responsible for the privacy practices, collection of Personal Information, or content of external websites. We are not responsible for any lost, stolen, or compromised user IDs, passwords or for any activity on your Account via unauthorized password activity. You should take steps to protect against unauthorized access to your account by, for example, choosing a robust password and keeping your login ID and password private. We are not responsible for any failure by you to secure your own devices and their access to the Internet or your use of public, unsecured networks.

## **RETENTION OF YOUR PERSONAL INFORMATION**

Personal information collected by us is maintained in accordance with applicable privacy legislation and our retention policies and practices. However, once you deactivate and remove your Account or stop using your Account for a period of twenty-four (24) months, we will delete any Personal Information on such Account immediately or after such period as may be required for retention by applicable laws.

## **CORRECTION AND ACCESS TO YOUR PERSONAL INFORMATION**

All Personal Information in your Account is accessible by you. You can make changes to certain Personal Information that we hold about you, such as your contact information, by editing the information in your Account. You are responsible for keeping the Personal Information in your Account up to date and accurate. Certain minimum Personal Information must be input in your Account in order to use the App's services. For example, you must share your first and last name and your email address with us.

You can obtain access to, verify or correct the accuracy and completeness of your Personal Information in our possession and control. In appropriate circumstances, we will amend the information. It is your responsibility to provide any updates to your Personal Information to us in writing.

You may request access to your Personal Information and/or correction of that information by contacting us in writing at the contact information noted below, with sufficient detail to enable us to identify the Personal Information being sought. When you contact us, we may ask for further information to confirm your identity and the nature of the information being sought.

After we receive your request for access to Personal Information, we will provide you with an estimate of when you can expect a response. In some cases, we may need additional time to respond to a request, in which case we will provide you with written notice of the extension. Please

note that in some cases, we may not provide access to Personal Information that we hold about you, such as where the denial of access is authorized by law. There are also cases where we may be legally required to refuse access to Personal Information. If we deny your request for access to Personal Information, we will advise you of the reason for the refusal, and will provide the name, title, and contact information of the designated person who can address the refusal.

We may charge a reasonable fee according to the cost required to retrieve and provide access to the requested information. We may provide an estimate of the fee in advance and in some cases, will require a deposit for all or part of the fee.

## **GOVERNING LAW AND DISPUTE RESOLUTION**

Those who choose to use or access the Site or Services from outside Canada do so on their own initiative and are responsible for compliance with local laws, if and to the extent local laws are applicable. Notwithstanding the foregoing, and recognizing the global nature of the Internet, each user shall comply with all local rules regarding online conduct and submission of acceptable materials. This Policy shall be governed and construed in accordance with the laws of the Province of British Columbia and the federal laws of Canada applicable therein, without regard to its conflict of laws principles.

Except for any claim involving the violation of intellectual property rights, breach of confidentiality or breach of privacy, all disputes arising out of or in connection with this Policy shall be promptly referred to a member of senior management of each of the parties involved, who shall have sixty (60) days to attempt to resolve the dispute in good faith. If that fails, the parties agree to arbitrate any and all disputes, claims or controversies arising out of or relating to this Policy in any way.

The parties involved will submit the dispute to arbitration by a single arbitrator who is acceptable to both parties and whose expenses will be shared equally by them. If they cannot agree on an arbitrator, an arbitrator will be appointed by the BC International Commercial Arbitration Centre for Domestic Disputes. The seat of the arbitration shall be in Vancouver, British Columbia. The *International Arbitration Rules* or successor legislation will apply to the arbitration. You and Wines of British Columbia Explorer hereby irrevocably submit to the jurisdiction of the arbitrator in Vancouver, British Columbia and waive any defense in an arbitration based upon any claim that such party is not subject personally to the jurisdiction of such arbitrator, or that such arbitration is brought in an inconvenient forum or that such venue is improper. The determination of the arbitrator will be conclusive, final and binding on the parties. The parties expressly waive any right of appeal to any court or judicial authority to the fullest extent permitted by law, other than as may be necessary to enforce or confirm any arbitration award.

You and Wines of British Columbia Explorer agree to submit to the exclusive jurisdiction of the courts of British Columbia situated in the city of Vancouver with respect to any claim, proceeding or action involving the violation of intellectual property rights, breach of confidentiality or breach of privacy, provided that Wines of British Columbia Explorer may seek and obtain injunctive relief in any jurisdiction in any court of competent jurisdiction.

## **QUESTIONS AND CONCERNS**

Questions or concerns regarding this Policy, including the collection of your Personal Information, can be directed to the Wines of British Columbia Explorer Privacy Officer, who is responsible for ensuring our compliance with this Policy. You can contact the Privacy Officer at:

Email: [support@winebc.com](mailto:support@winebc.com)

We take any complaint about our privacy practices seriously. We will investigate all complaints. If we find a complaint justified, we will take the necessary steps to resolve it. The complainant will be informed of the outcome of the investigation regarding any complaint.

If you are not satisfied with our response to a complaint, you may have options to exercise various complaint procedures, including with the relevant Privacy Commissioner (if you are based in Canada) or regulatory authority (if you are based outside of Canada).

### **CHANGES TO THE POLICY**

We may update this Policy from time to time by posting a new version of the Policy on the Site. Our collection, use, disclosure, and retention of your Personal Information will be governed by the version of the Policy in effect at that time. We suggest that you review this statement periodically.