

# Empire Merchants Privacy Notice

Last Updated: December 10, 2024

## Our Privacy Notice Has Recently Changed.

Your privacy is important to Empire Merchants, LLC and Empire Merchants North, LLC and affiliated companies doing business under Empire Merchants brands and associated brands (“**Company**,” “**our**,” “**us**,” or “**we**”). This Privacy Notice (the “**Notice**”) explains the types of information we may collect from you or that you may provide when you visit the websites [www.empiremerchants.com](http://www.empiremerchants.com), [www.empirenorth.com](http://www.empirenorth.com), [www.empire360.com](http://www.empire360.com), and [xprspay.ipayxepay.net/xprspay/emn/index.jsp](http://xprspay.ipayxepay.net/xprspay/emn/index.jsp) and any other site that references this Privacy Notice (our “**Website**”) and our practices for collecting, using, maintaining, protecting, and disclosing that information. This Notice does not apply to information collected through any other means, including information collected by us offline or through any other website operated by a third party.

**Please read this Notice carefully.** If any term in this Notice is unacceptable to you, please do not use our Website or provide us with any personal information.

In this Notice, when we talk about “**Personal Information**,” we mean any information that is related to an identified or identifiable natural person.

This Notice does not apply to any products, services, websites, mobile applications, or content (including advertising) offered by third parties or that may be linked to or from the Website. Data collected by these third parties is covered by their own privacy notices.

## 1. Persons Under 21

The Website is not directed towards or intended for persons under 21 years of age. No one under age 21 may provide any information to or on the Website. We do not knowingly collect Personal Information from persons under 21. If you are under 21, do not use or provide any information on this Website or on or through any of its features. If we learn we have collected or received Personal Information from a person under 21, we will delete that information. If you believe that we might have any information from or about a person under 21, please contact us using the methods described in Section 10 “How to Contact Us,” and we will endeavor to delete that information from our databases.

## 2. Your Information We Collect

Depending on your relationship with us, we may collect the following categories of Personal Information from you:

- **Personal Details:** Name, postal address, email address, telephone number, company name, job title, and other professional and employment information;

- **Financial information:** Billing and payment information (e.g., credit card or ACH account information);
- **Device and other automatic information:** IP address, browsing history, search history, and information regarding your interactions with a website, application, or advertisement. For more information, see “Information We Collect Automatically About You” below;

**Employee and Job Applicant Information:** If you are an employee or have applied for a job or other position with us, we may also collect employment information such as your name, contact information, resume/CV, educational background, language and other skills, work experiences, and job references.

- **Communications:** We may record our communications including phone calls and emails, such as when you provide us with feedback or reach out for support.

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

#### **Information We Collect Directly From You**

We may collect Personal Information that you provide to us when you use our Website or interact with us. For example, we may collect information when you browse through the Website, register or create an account, make a customer service request, or when you otherwise interact with us and provide your information via our Website.

#### **Information We Automatically Collect About You**

As with many websites, when you interact with our Website, we may use automatic data collection technologies to collect and log certain information about your equipment, browsing actions, and patterns, including details of your visits to our Website (e.g., traffic data, logs, other communication data, and resources that you access and use on our Website), information about your computer, mobile device, and internet connection (including your IP address, operating system, and browser type), and location data, which we collect to ensure you reside in a jurisdiction in which you are eligible for using our Website, to comply with relevant laws, and for fraud prevention purposes.

#### **Cookies**

The technologies we use for automatic data collection include cookies (i.e., browser cookies), flash cookies, and web beacons. We may store cookies (e.g., locally stored objects) on your device when you use our Website. These technologies help us speed up your future activities and improve your experience by remembering the information that you have already provided to us. Third parties operating on our behalf may also use these technologies to provide us with anonymous data and information regarding the use of our Website. You may block or delete certain of these technologies from your device. However, by disabling such technologies, you may not have access to the entire set of features of our Website. For more information about cookies, including links to web browser instructions for disabling and managing such technologies, visit

<https://optout.networkadvertising.org/>. To manage your preferences related to cookies on our Websites, see our Cookie Preferences at the bottom of this Website, and/or our Websites at <https://www.empiremerchnats.com> and/or <https://www.empirenorth.com>.

We use Google Analytics and Hotjar to collect information on your use of our Website.

Google Analytics collects information such as how often users visit our Website, what pages they visit, and other websites visited prior to or after coming to this Website. The data collected through these tools is not tied to other Personal Information that we collect about you. To know more about data collected by Google Analytics, visit <https://www.google.com/policies/privacy/>. You may prevent the use of Google Analytics by disabling cookies as described above. You may also prevent Google Analytics from recording the data generated by the cookie and pertaining to your use of our Website (including your IP address), or processing this data, by downloading and installing the following browser plug-in available through Google at the following link: <https://tools.google.com/dlpage/gaoptout>.

Hotjar analyzes user behavior on our Website by aggregating metrics about clicks, scrolls, navigation, and engagement. To learn more about data collected by Hotjar and how to disable Hotjar from collecting your information, visit <https://www.hotjar.com/legal/policies/privacy/>.

### **Information We Collect From Other Sources**

We may collect Personal Information about you from our affiliates and our partners and their service providers and contractors. For example, this may include your current job position, business address, company name, and position title provided by your employer. We also may obtain information you have made publicly available, including from websites and online services you use, consumer research platforms, and/or business contact databases.

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

We may collect Personal Information for the following purposes:

- Provide our Website and its contents to you;
- Provide or improve the services requested by you, including in the context of your business relationship with us (such as by processing purchases and payments), and perform our contractual obligations;
- Fulfill or meet the reason you provided the information (e.g., to respond to your email or request for information);
- Communicate with you about our Website or to provide you with information or marketing materials that are requested by you or may be of interest to you;
- Send you transactional or relationship messages, such as receipts, account notifications, customer service responses, and other administrative messages;

- Monitor and analyze trends, usage, and activities in connection with the Website;
- Comply with the law, and protect or defend our interests or the interests of our customers or users of our Website if permitted by law or required to do so by law, court order, or government regulations or where we believe such action is necessary;
- Help maintain the safety, security, and integrity of our Website, products and services, databases, other technology assets, and business;
- System administration and to monitor the use of our Website;
- Any other purpose disclosed by us when you provide the information or with your consent; and
- Disclose to third parties for the performance of services provided to us, including third-party providers of services related to the operation and management of our Website, or in connection with the administration and support of the activities noted above.

## **5. With Whom We Disclose Your Information**

We may disclose information about you as follows and as otherwise described in this Notice or at the time of collection:

- With companies and vendors that perform services for us, including email service providers, payment processors, fraud prevention vendors, analytics providers, advertising partners, and other service providers;
- To accountants, auditors, lawyers, and other outside professional advisors to the Company, subject to appropriate contractual obligations of confidentiality;
- Where required by law, court order, or subpoena if we believe disclosure is in accordance with, or required by, applicable law or legal process or where necessary to prevent, detect, or prosecute criminal offenses or to protect the rights, property, and safety of the Company or others;
- In connection with any merger, sale of company assets, financing, or acquisition of all or a portion of our business by another company;
- Between and among the Company and our current and future parents, affiliates, subsidiaries, and other companies under common control and ownership; and
- With your consent or at your direction.

We may also process and disclose information to third parties if the information has been de-identified or aggregated in a way so it cannot be used to identify you.

## **6. How We Protect Your Information**

We use reasonable security measures to protect your Personal Information. Please understand, however, that no security system is impenetrable. We cannot guarantee the security of our databases, nor can we guarantee that the information you supply will not be intercepted while being transmitted to and from us over the Internet.

## **7. Data Processing**

The Website is operated from the United States and only intended for individuals located in the United States. If you are located anywhere outside of the United States, please be aware that information we collect, including Personal Information, will be transferred to, processed in, and stored in the United States. The data protection laws in the United States may differ from those of the country in which you are located, and your Personal Information may be subject to access requests from governments, courts, or law enforcement in the United States according to laws of the United States. By using the Website or providing us with any information, you consent to this transfer, processing, and storage of your information in the United States.

## **8. Links**

The Website may contain content, services, advertising, and other materials that link to external websites. We do not endorse and are not responsible for the content of any such external website. Please refer to the terms of use and privacy notices of the external website for more information.

## **9. Changes to This Notice**

This Notice is effective as of the date stated at the top of this Notice. We may change this Notice from time to time. Your access of the Website after such change will be deemed acceptance of the new Notice.

## **10. How to Contact Us**

If you have any questions or concerns about our privacy practices or about exercising your rights, you may send an email, call us, or write to us at:

Empire Merchants, LLC

Attn: Compliance Department

16 Bridgewater Street

Brooklyn, NY 11222

[marketing@empiremerchants.com](mailto:marketing@empiremerchants.com)

(800) 338-3880

Empire Merchants North, LLC

16 Houghtaling Rd

West Coxsackie, NY 12192

[marketing@empirenorth.com](mailto:marketing@empirenorth.com)

(800) 724-3960

## **11. Promotional Communications**

You may opt out of receiving promotional emails from us by directly responding to the email and stating your request, by following the “unsubscribe” instructions contained within the email, or by sending an email to [marketing@empiremerchants.com](mailto:marketing@empiremerchants.com). If you opt out, we may still send you non-promotional emails, such as those about your account or our ongoing business relations.

## **12. Additional Information for Residents Of California**

The California Consumer Privacy Act, as amended by the California Privacy Rights Act (Civil Code Section 1798.100, et seq.) (“**California Law**”), provides eligible California residents with specific rights with respect to our collection, retention, disclosing, selling, sharing, and use of Personal Information. This section on Additional Information for Residents of California supplements this Notice and applies solely to eligible residents of the State of California. Any terms used but not defined in this section have the same meaning as defined in California Law.

### **Collection of Personal Information**

In the preceding twelve (12) months, we have collected categories of Personal Information as discussed in Section 2 “Your Information We Collect” from the sources of Personal Information as discussed in Section 3 “How We Collect Your Information.” The business or commercial purpose for collecting that information is disclosed in Section 4 “How We Use Your Information.”

### **Disclosure of Personal Information**

In the preceding twelve (12) months, we may have disclosed your Personal Information for a business or commercial purpose described in Section 4 “How We Use Your Information” to the categories of third parties described in Section 5 “With Whom We Disclose Your Information.”

### **Sales and Shares of Personal Information**

We do not sell your Personal Information for monetary profit. However, we engage in certain information disclosure activities that may be considered “sales” or “sharing” under California Law. In the last 12 months, we have sold or shared the following Personal Information:

Category	Business or Commercial Purpose	Categories of Third Parties to Whom Personal Information was Disclosed That May be Considered a “Sale/“Sharing” Under California Law
Identifiers.	<ul style="list-style-type: none"> <li>To provide you with personal advertising and content</li> </ul>	<ul style="list-style-type: none"> <li>Advertisers and advertising networks</li> </ul>
Internet or other similar network activity.	<ul style="list-style-type: none"> <li>To provide you with personal advertising and content</li> </ul>	<ul style="list-style-type: none"> <li>Advertisers and advertising networks</li> </ul>

We do not knowingly sell or share the Personal Information of consumers under 16 years of age.

**California Privacy Rights**

California Law provides consumers with specific rights regarding their Personal Information. The following section describes your California Law rights and explains how to exercise those rights. Your California Law rights include the:

- **Right to Know or Access:** Request that we disclose to you your Personal Information that we collected, used, disclosed, shared, and sold.
- **Right to Delete:** Request that we delete any of your Personal Information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see “Identity Verification”), we will delete (and direct our service providers to delete) your Personal Information from our records, unless an exception applies.
- **Right to Correct Inaccurate Personal Information:** Request that we correct any of your Personal Information that we maintain about you that is inaccurate.
- **Right to Opt Out of Sales or Sharing of Personal Information:** We do not sell your Personal Information for monetary profit. However, we may engage in certain information disclosure activities that may be considered “sales” or “sharing” under California Law. If we sell your Personal Information to or share such information with third parties, you may have the right to opt out of the sale or sharing of such information. To exercise the right to opt out, you (or your authorized representative) may submit a request to us by visiting the [Do Not Sell or Share My Personal Information](#) link on the homepage.

If you have an opt out preference signal enabled (e.g., the Global Privacy Control), you will automatically be opted out of the sale or sharing of your information, but we may ask you to confirm your preference if you have previously consented to the sale or sharing of your Personal Information. To download and use a browser supporting the opt-out

preference signal, please visit <https://globalprivacycontrol.org/orgs>. If you choose to you the opt-out preference signal, you will need to enable it for each supported browser or browser extension you use.

- **Right to Non-Discrimination:** We will not discriminate against you for choosing to exercise any of your rights. If you exercise certain rights, understand that you may be unable to use or access certain features of the Website.

## **Exercising Your Rights**

If you are a California resident and wish to exercise your California privacy rights, please submit a request by using the interactive form described in this section, available at <https://www.empire360.com/pages/californiaprivacyrequest> or contacting us via the methods described in Section 10 “How to Contact Us.”

## **Identify Verification**

We may require you to prove your identity to exercise certain rights. Depending on your request, we will ask for information such as your name, your telephone number, email address, and/or date of last communication with us. We may also ask you to provide a signed declaration confirming your identity. We will only use Personal Information provided in your consumer request to verify your identity or authority to make the request.

Only you, your parent, guardian (if you are under 13 years or age), conservator, a person to whom you have given power of attorney, or an authorized agent may make a verifiable consumer request related to your Personal Information. You may, however, make a verifiable consumer request on behalf of your minor child if necessary. Your verifiable consumer request must provide sufficient information that allows us to reasonably verify that you are the person about whom we collected Personal Information or an authorized representative. We cannot respond to your request if we cannot verify your identity or authority to make the request. You may only make a verifiable consumer request for your right to access twice within a 12-month period.

## **Data Retention**

We retain your Personal Information so long as necessary for the purposes for which it was collected or otherwise processed. When determining the retention period, we take into account criteria, such as the type of services requested by or provided to you, the nature and length of our relationship with you, use of our Website, and the impact on the Website functionality if we delete your Personal Information.