

# **iHerb, Inc.**

## **EU/Swiss-U.S. Privacy Shield: Consumer Privacy Policy**

**Last Updated: March 15, 2019**

iHerb, Inc. (“iHerb”) respects your concerns about privacy. iHerb participates in the EU-U.S. and Swiss-U.S. Privacy Shield frameworks (collectively, the “Privacy Shield”) issued by the U.S. Department of Commerce. iHerb commits to comply with the Privacy Shield Principles with respect to Consumer Personal Data the company receives from the EU, UK and Switzerland in reliance on the Privacy Shield. This Policy describes how iHerb implements the Privacy Shield Principles for Consumer Personal Data.

**“Consumer”** means any natural person who is located in the EU, UK or Switzerland, but excludes any individual acting in his or her capacity as an Employee.

**“Controller”** means a person or organization which, alone or jointly with others, determines the purposes and means of the processing of Personal Data.

**“Employee”** means any current, former or prospective employee, contractor, intern or temporary worker of iHerb or any of its EU, UK or Swiss affiliates, or any related individual whose Personal Data iHerb processes in connection with an employment relationship, who is located in the EU, UK or Switzerland.

**“EU”** means the European Union and Iceland, Liechtenstein and Norway.

**“Personal Data”** means any information, including Sensitive Data, that is (i) about an identified or identifiable individual, (ii) received by iHerb in the U.S. from the EU, UK or Switzerland, and (iii) recorded in any form.

**“Privacy Shield Principles”** means the Principles and Supplemental Principles of the EU-U.S. and Swiss-U.S. Privacy Shield frameworks.

**“Processor”** means any natural or legal person, public authority, agency or other body that processes Personal Data on behalf of a Controller.

**“Sensitive Data”** means Personal Data specifying medical or health conditions, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership (including

trade union-related views or activities), sex life (including personal sexuality), information on social security measures, the commission or alleged commission of any offense, any proceedings for any offense committed or alleged to have been committed by the individual or the disposal of such proceedings, or the sentence of any court in such proceedings (including administrative proceedings and criminal sanctions).

“UK” means the United Kingdom.

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iHerb’s Privacy Shield certification, along with additional information about the Privacy Shield, can be found at <https://www.privacyshield.gov/>. For more information about iHerb’s processing of Consumer Personal Data with respect to information collected on its website, please visit iHerb’s Privacy Policy at <https://www.iherb.com/info/privacy>.

### **Types of Personal Data iHerb Collects**

iHerb obtains Personal Data about Consumers in various ways. For example, iHerb collects Personal Data directly from Consumers when they interact with iHerb’s website and mobile apps (collectively, the “Services”). The company may use this information for the purposes indicated in iHerb’s Privacy Policy at <https://www.iherb.com/info/privacy>.

The types of Personal Data iHerb collects directly from Consumers include:

- contact information (such as name, email address, shipping and billing address, and telephone number);
- login credentials to create an account on the Services (such as email address and password);
- information contained on social media public profiles, to the extent Consumers decide to create an account on the Services using their social media accounts;
- information Consumers choose to submit on their personalized public profile “My Page”, including web address name, user name, photograph, links to social media accounts and any other information they choose to submit on the “Page Description” section of “My Page”;
- user-generated content related to product reviews, comments, questions and answers;
- payment information, such as name, billing address, account number, and payment card details (including card number, expiration date and security code) for payments processed by iHerb;

- bank account and tax information related to any company programs that may offer customer payouts (such as the Rewards program);
- order history, including information about products purchased or viewed on the Services;
- details Consumers provide through contests, sweepstakes and surveys;
- social media information, such as social media handles, content and other data shared with iHerb through third-party features that Consumers use on the Services (such as apps, tools, payment services, widgets and plugins offered by social media services like Facebook, Google+, Instagram, LinkedIn, Pinterest, Twitter and YouTube) or posted on social media pages (such as social media pages or other pages);
- other personal information contained in content Consumers submit on the Services, such as through the “Contact Us” feature or other customer support tools;
- information you submit in connection with a career opportunity at iHerb, such as contact details, information in your resume and cover letter, and details about your current employment;
- country/region and language preference based on mobile device settings and/or IP; and
- IP address, device, operating system, and browser information.

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In addition, iHerb obtains Personal Data, such as contact information and financial account of representatives of its vendors (such as payment processors and shipping carriers). iHerb uses this information to manage its relationships with these parties, process payments, and carry out iHerb’s contractual obligations.

iHerb also may obtain and use Consumer Personal Data in other ways for which iHerb provides specific notice at the time of collection.

iHerb’s privacy practices regarding the processing of Consumer Personal Data comply with the Privacy Shield Principles of Notice; Choice; Accountability for Onward Transfer; Security; Data Integrity and Purpose Limitation; Access; and Recourse, Enforcement and Liability.

## **Notic e**

iHerb provides information in this Policy and the company’s Privacy Policy about its Consumer Personal Data practices, including the types of Personal Data iHerb collects, the types of third parties to which iHerb discloses the Personal Data and the purposes for doing so, the rights and choices Consumers have for limiting the use and disclosure of their Personal Data, and how to

contact iHerb about its practices concerning Personal Data.

Relevant information also may be found in notices pertaining to specific data processing activities.

## **Choice**

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iHerb generally offers Consumers the opportunity to choose whether their Personal Data may be (i) disclosed to third-party Controllers or (ii) used for a purpose that is materially different from the purposes for which the information was originally collected or subsequently authorized by the relevant Consumer. To the extent required by the Privacy Shield Principles, iHerb obtains opt-in consent for certain uses and disclosures of Sensitive Data. Consumers may contact iHerb as indicated below regarding the company's use or disclosure of their Personal Data. Unless iHerb offers Consumers an appropriate choice, the company uses Personal Data only for purposes that are materially the same as those indicated in this Policy.

iHerb shares Consumer Personal Data with its affiliates and subsidiaries. iHerb may disclose Consumer Personal Data without offering an opportunity to opt out, and may be required to disclose the Personal Data, (i) to third-party Processors the company has retained to perform services on its behalf and pursuant to its instructions, (ii) if it is required to do so by law or legal process, or (iii) in response to lawful requests from public authorities, including to meet national security, public interest or law enforcement requirements. iHerb also reserves the right to transfer Personal Data in the event of an audit or if the company sells or transfers all or a portion of its business or assets (including in the event of a merger, acquisition, joint venture, reorganization, dissolution or liquidation).

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## **Accountability for Onward Transfer of Personal Data**

This Policy and iHerb's Privacy Policy describe iHerb's sharing of Consumer Personal Data.

Except as permitted or required by applicable law, iHerb provides Consumers with an opportunity to opt out of sharing their Personal Data with third-party Controllers. iHerb requires third-party Controllers to whom it discloses Consumer Personal Data to contractually agree to (i) only process the Personal Data for limited and specified purposes consistent with the consent

provided by the relevant Consumer, (ii) provide the same level of protection for Personal Data as is required by the Privacy Shield Principles, and (iii) notify iHerb and cease processing Personal Data (or take other reasonable and appropriate remedial steps) if the third-party Controller determines that it cannot meet its obligation to provide the same level of protection for Personal Data as is required by the Privacy Shield Principles.

With respect to transfers of Consumer Personal Data to third-party Processors, iHerb (i) enters into a contract with each relevant Processor, (ii) transfers Personal Data to each such Processor only for limited and specified purposes, (iii) ascertains that the Processor is obligated to provide the Personal Data with at least the same level of privacy protection as is required by the Privacy Shield Principles, (iv) takes reasonable and appropriate steps to ensure that the Processor effectively processes the Personal Data in a manner consistent with iHerb's obligations under the Privacy Shield Principles, (v) requires the Processor to notify iHerb if the Processor determines that it can no longer meet its obligation to provide the same level of protection as is required by the Privacy Shield Principles, (vi) upon notice, including under (v) above, takes reasonable and appropriate steps to stop and remediate unauthorized processing of the Personal Data by the Processor, and (vii) provides a summary or representative copy of the relevant privacy provisions of the Processor contract to the Department of Commerce, upon request. iHerb remains liable under the Privacy Shield Principles if the company's third-party Processor onward transfer recipients process relevant Personal Data in a manner inconsistent with the Privacy Shield Principles, unless iHerb proves that it is not responsible for the event giving rise to the damage.

## **Security**

iHerb takes reasonable and appropriate measures to protect Consumer Personal Data from loss, misuse and unauthorized access, disclosure, alteration and destruction, taking into account the risks involved in the processing and the nature of the Personal Data.

## **Data Integrity and Purpose Limitation**

iHerb limits the Consumer Personal Data it processes to that which is relevant for the purposes of the particular processing. iHerb does not process Consumer Personal Data in ways that are incompatible with the purposes for which the information was collected or subsequently authorized by the relevant Consumer. In addition, to the extent necessary for these purposes, iHerb takes reasonable steps to ensure that the Personal Data the company processes is (i) reliable for its intended use, and (ii) accurate, complete and current. In this regard, iHerb relies on its Consumers to update and correct the relevant Personal Data to the extent necessary for the

purposes for which the information was collected or subsequently authorized. Consumers may contact iHerb as indicated below to request that iHerb update or correct relevant Personal Data.

Subject to applicable law, iHerb retains Consumer Personal Data in a form that identifies or renders identifiable the relevant Consumer only for as long as it serves a purpose that is compatible with the purposes for which the Personal Data was collected or subsequently authorized by the Consumer.

### **Access**

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Consumers generally have the right to access their Personal Data. Accordingly, where appropriate, iHerb provides Consumers with reasonable access to the Personal Data iHerb maintains about them. iHerb also provides a reasonable opportunity for those Consumers to correct, amend or delete the information where it is inaccurate or has been processed in violation of the Privacy Shield Principles, as appropriate. iHerb may limit or deny access to Personal Data where the burden or expense of providing access would be disproportionate to the risks to the Consumer's privacy in the case in question, or where the rights of persons other than the Consumer would be violated. Consumers may request access to their Personal Data by contacting iHerb as indicated below.

### **Recourse, Enforcement and Liability**

iHerb has mechanisms in place designed to help assure compliance with the Privacy Shield Principles. iHerb conducts an annual self-assessment of its Consumer Personal Data practices to verify that the attestations and assertions iHerb makes about its Privacy Shield privacy practices are true and that iHerb's privacy practices have been implemented as represented and in accordance with the Privacy Shield Principles.

Consumers may file a complaint concerning iHerb's processing of their Personal Data. iHerb will take steps to remedy issues arising out of its alleged failure to comply with the Privacy Shield Principles. Consumers may contact iHerb as specified below about complaints regarding iHerb's Consumer Personal Data practices.

If a Consumer's complaint cannot be resolved through iHerb's internal processes, iHerb will cooperate with JAMS pursuant to the JAMS Privacy Shield Program, which is described on the

JAMS website at <https://www.jamsadr.com/eu-us-privacy-shield>. JAMS mediation may be commenced as provided for in the JAMS rules. Following the dispute resolution process, the mediator or the Consumer may refer the matter to the U.S. Federal Trade Commission, which has Privacy Shield investigatory and enforcement powers over iHerb. Under certain circumstances, Consumers also may be able to invoke binding arbitration to address complaints about iHerb's compliance with the Privacy Shield Principles.

### **How to Contact iHerb**

To contact iHerb with questions or concerns about this Policy or iHerb's Consumer Personal Data practices:

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iHerb, Inc. Attn: Data Processing  
Officer 301 North Lake Avenue,  
Suite 600 Pasadena, CA 91101

E-mail:  
[privacy@iherb.com](mailto:privacy@iherb.com)

