



PRIVACY POLICY (CANADA)

LAST UPDATED: October 7th, 2019

This Privacy Policy sets out how BD APD Inc. and its affiliates (altogether “**Au Pain Doré**”, “**we**”, “**us**” or “**our**”) collects, uses, discloses, maintains and protects the personal information of the users (collectively the “**Individuals**”, “**you**” or “**your**”) of the website(s) and mobile application(s) managed by us (collectively, the “**Sites**”), particularly aupaindore.com and the Au Pain Doré Mobile App as well as email, text, and other electronic messages between you and the Sites or Au Pain Doré.

1. ACCEPTANCE OF TERMS

- 1.1. Please read this Privacy Policy carefully to understand our policies and practices for collecting, using, disclosing, maintaining (collectively, “**Processing**”) and protecting your information. If you do not agree with our policies and practices, you may stop using or accessing our Sites at any time. This Privacy Policy represents an ongoing agreement between you and Au Pain Doré and applies for the duration of your use or your access to the Sites. By accessing or using the Sites, you indicate that you understand, accept and agree to the practices described in this Policy.
- 1.2. The Sites are not intended for, or intended for use by, persons under the age of thirteen (13). If you are between thirteen (13) years of age and the age of majority in your jurisdiction of residence, you may only access and use the Sites under the supervision of a parent or legal guardian who agrees to be bound by this Policy.
- 1.3. Au Pain Doré may modify, supplement, revoke or replace this Policy, in whole or in part, by posting the new version of the Policy, or a link to it, on the Sites. Your continued use of the Sites after we have made changes to the Policy indicates that you accept and agree to such changes. We invite you to check the Policy regularly for updates. Where required by applicable law, we will notify you of changes to this Policy and obtain your consent to any new method of Processing of your personal information.
- 1.4. Your Personal Information (as defined below) or other information may be stored or Processed on servers located in Canada or may be transferred for storage or Processing to servers located in the United States or in another country. Governments, courts, or law enforcement agencies of these countries may be able to obtain access to Personal Information or other information of an individual pursuant the laws and regulations of those countries. By submitting your Personal Information and accessing Sites, you consent to such transfer, storage and Processing.
- 1.5. The Sites may be hosted, created or maintained by service providers or accessed through third-party websites, such as Facebook, Apple or ReUp (Lightspeed). Similarly, the Sites may contain links to websites owned and operated by third parties. Note that this Policy does not apply to content or websites that are not owned by us.

2. COLLECTION AND USE OF PERSONAL INFORMATION

- 2.1. Au Pain Doré may Process your information, including your last name, first name, postal address, email address, telephone numbers, Internet Protocol (IP) address used to connect using your computer or mobile device, username or similar login, billing information and any other identifier that may be used to identify or contact persons online or offline (collectively, “**Personal Information**”) as follows:

- 2.1.1.2. Au Pain Doré may Process your Personal Information when you submit an application in the context of contests, promotions, surveys or requests for information (collectively, the "**Programs**") managed from time to time by Au Pain Doré. We may use Personal Information to the extent reasonably necessary to assess your eligibility, award prizes, evaluate participation and promote the Programs.
- 2.1.2. Your Personal Information, including your credit card information or other financial information, your username and password, may be Processed when you participate in the Ma Carte Gourmande gift cards rewards program, in the Au Pain Doré gift card program or any other card or promotion that Au Pain Doré may create from time to time (collectively, "**Card Programs**"). Au Pain Doré may use such Personal Information and other information as is reasonably necessary to operate and manage Card Programs, including without limitation, the processing of online registrations, credit card billing, communicating with Card Programs participants about same, loading and reloading gift cards and other cards, and developing, promoting and improving products and services offered by Au Pain Doré.
- 2.1.3. Au Pain Doré may process your demographic data and may combine this data with otherwise publicly available information to personalize your experience on the Sites and offer you content specific to your preferences.
- 2.1.4. To use certain features of the Sites (for example, to allow you to share links and other content available on the Sites with friends), your Personal Information, such as your username used to access the Sites, may be shared along with links and content.
- 2.1.5. When you send us a comment, a question or a complaint, Au Pain Doré may Process your Personal Information or other information to identify you or to respond quickly to questions and comments or to handle complaints. Au Pain Doré may retain Personal Information or other information for internal verification and audit purposes, to assist Individuals in the future, to improve customer service and to promote or evaluate products and services offered by Au Pain Doré.
- 2.1.6. From time to time, Au Pain Doré may obtain your consent to use your name, mailing address and e-mail address to send you newsletters, updates, announcements and promotions related to the products and services offered. by Au Pain Doré.

3. DISCLOSURE OF PERSONAL INFORMATION

- 3.1. Au Pain Doré does not share, exchange, lease, sell or otherwise transfer Personal Information or other information for purposes other than those identified in this Policy unless we have obtained your consent or in accordance with the applicable law. Au Pain Doré may transfer or disclose your Personal Information or other information in the following cases:
 - 3.1.1. To third parties who provide services to, or on behalf of Au Pain Doré, such as credit card payment processing services, hosting services, data management and storage services, market analysis or customer relations, internal verification and auditing services as well as data conservation and related services.
 - 3.1.2. To ensure compliance with or to enforce the execution of our terms of use and other agreements related to the products and services we offer, including for billing and collection purposes.
 - 3.1.3. If we believe disclosure is necessary or appropriate to protect the rights, property or safety of Au Pain Doré, our customers or others. This includes exchanging information with other companies and organizations for fraud protection and credit risk reduction purposes.
 - 3.1.4. To respond to a search warrant or other legally valid inquiry or order made by an investigative body in the event of breach of contract or breach of law, or as required by applicable law, whether be Canadian, American or foreign.

- 3.1.5. Au Pain Doré may transfer Personal Information or other information as an asset in connection with a merger or sale (including transfers in insolvency or bankruptcy proceedings) that affects a particular division of Au Pain Doré or its affiliates, in whole or in part, or as part of an internal reorganization, sale of shares or other change of control of its division, parent company or affiliates.

4. AUTOMATIC DATA COLLECTION TECHNOLOGIES

- 4.1. Au Pain Doré and its service providers may collect and use your IP address to identify you, collect general demographic information about Site users, diagnose problems affecting Au Pain Doré systems and administer the Sites.
- 4.2. Depending on your browser settings, websites you visit or Au Pain service providers may use cookies. A cookie is a piece of data that websites can transmit to your browser and which can then be stored on your hard drive. Cookies allow you to be recognized when you visit the websites again. Au Pain Doré may use cookies to provide you with content that conforms to your preferences and to protect your usernames and passwords so that you do not have to enter them each time you use the Sites. If your browser settings do not allow you to accept cookies from the Sites, you may not be able to take full advantage of all the features available on the Sites.
- 4.3. The Sites or our electronic emails may contain small electronic files called web beacons (also known as web tags) that allow Au Pain Doré or our service providers to, for example, count the number of people who have visited the Sites or opened an e-mail from us, as well as other related usage statistics such as tracking the popularity of certain content or verifying system and server integrity.
- 4.4. You can simultaneously opt-out of cookies for several third-party ad servers' and networks' using the tool created by the [Digital Advertising Alliance of Canada](#) and by the [Network Advertising Initiative](#). Opting out of a network does not mean you will no longer receive online advertising. It does mean that the network from which you opted out will no longer deliver ads tailored to your web preferences and usage patterns.

5. SECURITY

- 5.1. Au Pain Doré, through its service providers, has put in place measures to protect Personal Information in our custody and control from theft, loss, access, use, disclosure and unauthorized modification with reasonably available security measures, including the use of physical, organizational and technological safeguards. In accordance with applicable laws, Au Pain Doré service providers are required to maintain the confidentiality and security of Personal Information transferred to them and are not permitted to use this information other than to provide their services.
- 5.2. Online access to certain Personal Information or the content of the Sites may be protected by a username and password. Au Pain Doré strongly suggests that you do not disclose your username or password to anyone. Au Pain Doré never asks to provide your username or password in our unsolicited communications. Au Pain Doré retains Personal Information only as long as is necessary for the purposes set out in this Policy or as required or authorized by law.

6. ACCESS AND CORRECTION MECHANISMS

- 6.1. You may contact Au Pain Doré to view, modify or correct any inaccuracies in the Personal Information under our control or custody. You may also submit a written complaint regarding compliance with this Policy to Au Pain Doré who, within a reasonable time after receipt of the complaint, will conduct an investigation. Within reasonable time after the conclusion of the investigation, Au Pain Doré will respond to the complaint and, if necessary, take the necessary steps to remedy the cause of the complaint.