

1. Introduction

Welcome to ShopWindow!

As part of our mission to help make commerce better for everyone, MessengerSell Inc. (trading as Shopwindow) and its affiliates and partners (collectively, “Shopwindow Partners”) collect and process a lot of information. This Privacy Policy is intended to help you better understand how we collect, use and store your personal information—whether you are a merchant or end user that uses Shopwindow’s products, applications or services (together, the “Services”), a customer that shops at a store using our technology, or whether you’re simply visiting this website. By using any of Shopwindow’s Services, or by dealing with a merchant using Shopwindow’s Services, you are agreeing to the terms of this Privacy Policy and, as applicable, the Shopwindow Terms of Service.

We may update this Privacy Policy from time to time in order to reflect, for example, changes to our privacy practices or for other operational, legal, or regulatory reasons. If we make material changes to this Privacy Policy, we will give you notice of such changes by posting the revised policy on this Website, and where appropriate, by other means. By continuing to use this Website or the Support Service after these changes are posted, you agree to the revised policy.

2. Information from merchants

Privacy matters! If you are a merchant, your customers need to understand how you (and how Shopwindow) collects and processes their personal information as the data controller. Accordingly, if you use the Services, you agree to post an up-to-date and accurate privacy policy on your storefront that complies with the laws applicable to your business. You also agree to obtain consent from your customers for the use and access of their personal information by Shopwindow and other third parties. In addition, if you are collecting any sensitive personal information from your customers (including information relating to medical or health conditions, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or sexuality), you agree to obtain affirmative, express consent from your customers for the use and access of sensitive personal information by Shopwindow and other third parties.

What information do we collect from merchants and why?

- We collect your name, company name, address, email address, phone number(s) and payment details (for example, your credit card information) directly from you.
- We use this information to provide you with our Services; for example, to confirm your identity, contact you, provide you with advertising and marketing, and invoice you. We also use this information to make sure that we comply with legal requirements.
- We collect data about the Shopwindow websites that you visit from your device. We also collect data about how and when you access your account and the Shopwindow platform,

including information about the device and browser you use, your network connection, your IP address, and information about how you browse through the Shopwindow interface.

- o We use this information to give you access to and improve our Services; for example, to make our platform interface easier to use. We also use this information to personalize the Services for you; for example, by shifting the order of apps in the Shopwindow app store to show you apps we believe may be of interest to you. Finally, we may use this information to provide you with advertising or marketing.
- Upon completing the sign-up process for the Services, and depending on your location, we may assist you to create a Payments account. If you activate a Payment account (through Shopwindow), we collect your business address, business type, business ID number, date of birth (if you are an individual business owner), bank account information and government-issued identification information where applicable, such as your Social Security Number or your Social Insurance Number or, alternatively, if you are Canadian merchant and elect not to provide your Social Insurance Number, a copy of your government-issued identification directly from you.
- o We use this information to create a Payments account for you, to provide you with Payments services, including fraud and risk monitoring, and to comply with applicable legal and regulatory requirements.
- We collect personal information about your customers that you share with us or that customers provide while shopping or during checkout.
- o We use this information to provide you with our Services and so that you can process orders and better serve your customers.
- Where we need to verify your identity (for example, if there are concerns around identity theft, or if you call into support and we need to authenticate your account), we may request that you provide us with government-issued identification information.
- We use some of the personal information you provide us to conduct some level of automated decision-making -- for example, we use certain personal information to help us screen accounts for risk or fraud concerns.
- We will also use personal information in other cases where you have given us your express permission.

When do we collect this information?

- We collect personal information when you sign up for our Services, when you access our Services or otherwise provide us with the information.
- We also partner with third parties who provide us information about merchants or prospective merchants, for example to help us screen out merchants associated with fraud.

When and why do we share this information with third parties?

- Shopwindow works with a variety of third parties and service providers to help provide you with our Services and we may share personal information with them to support these efforts.
- We may also share your information in the following circumstances:
 - to prevent, investigate, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, violations of our Terms of Service or any other agreement related to the Services, or as otherwise required by law.
 - to help us conduct marketing and/or advertising campaigns.
 - to conform to legal requirements, or to respond to lawful court orders, subpoenas, warrants, or other requests by public authorities (including to meet national security or law enforcement requirements).
- Personal information may also be shared with a company that acquires our business, whether through merger, acquisition, bankruptcy, dissolution, reorganization, or other similar transaction or proceeding. If this happens, we will post a notice on our home page.
- Shopwindow will always ask for your consent before sharing your personal information with third parties for purposes other than those described in this Section 2.
- Shopwindow is responsible for all onward transfers of personal information to third parties in accordance with the EU-U.S. Privacy Shield Framework, the Swiss-U.S. Privacy Shield Framework, and Canada's Personal Information Protection and Electronic Documents Act (PIPEDA).

3. Information from customers

What information do we collect from our merchants' customers and why?

- We collect our merchants' customers' name, email, shipping and billing address, payment details, company name, phone number, IP address, information about orders you initiate, information about the Shopwindow-supported merchant stores that you visit, and information about the device and browser you use.
 - We use this information to provide our merchants with the Services, including supporting and processing orders, risk and fraud screening, authentication, and payments. We also use this information to improve our Services.
- We use some of the personal information you provide us to conduct some level of automated decision-making -- for example, we use certain personal information (for example, IP addresses or payment information) to automatically block certain potentially fraudulent transactions for a short period of time.

When do we collect this information?

- We collect this information directly from you or your device when you use or access a store that uses our Services, such as when you visit a merchant's site, place an order or sign up for an account on a merchant's site.
- We also collect this information when you opt into Shopwindow Pay, or use Shopwindow Pay to pre-fill your checkout information.
- Additionally, we partner with third parties who provide us information about our merchants' customers, for example to help us screen out merchants associated with fraud.

When and why do we share this information with third parties?

- Shopwindow works with a variety of third parties and service providers to help provide our merchants with the Services and we may share personal information with them to support these efforts.
- We may also share your information in the following circumstances:
 - to prevent, investigate, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, violations of our Terms of Service or any other agreement related to the Services, or as otherwise required by law.
 - If the merchant whose store you visit or access directs us to transfer this information (for example, if they enable a third party app that accesses customer personal information).
 - to conform to legal requirements, or to respond to lawful court orders, subpoenas, warrants, or other requests by public authorities (including to meet national security or law enforcement requirements).
- Personal information may also be shared with a company that acquires our business or the business of a merchant whose store you visit or access, whether through merger, acquisition, bankruptcy, dissolution, reorganization, or other similar transaction or proceeding.
- Shopwindow is responsible for all onward transfers of personal information to third parties in accordance with the EU-U.S. Privacy Shield Framework, the Swiss-U.S. Privacy Shield Framework, and Canada's Personal Information Protection and Electronic Documents Act (PIPEDA).

4. Information from partners

Partners are individuals or businesses that have agreed to work with Shopwindow to promote the Services by (a) referring clients to Shopwindow; (b) or as distributors or resellers.

What information do we collect from partners and why?

- We collect your name, company name, website, social media handles, phone number(s), address, business type, email address, etc

- o We use this information to work with you, confirm your identity, contact you, pay you and to screen for risk, fraud, or other similar types of issues.
- o We use this information to give you access to and improve our Services; for example, to make our platform interface easier to use.
- We collect personal information about your customers that you share with us or that they provide to us directly.
- o We use this information to work with you and to provide our Services to your customers.
- We will also use personal information in other cases where you have given us express permission.

When do we collect this information?

- We collect this information when you sign up for a partner account, when you sign up one of your customers for our Services, or when your customers sign up themselves. We also collect any additional information that you might provide to us.

When and why do we share this information with third parties?

- Shopwindow works with a variety of third parties and service providers to help provide you with our Services and we may share personal information with them to support these efforts.
- We may also share your information in the following circumstances:
 - o to prevent, investigate, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, violations of our Terms of Service or any other agreement related to the Services, or as otherwise required by law.
 - o to help us conduct marketing and/or advertising campaigns.
 - o to conform to legal requirements, or to respond to lawful court orders, subpoenas, warrants, or other requests by public authorities (including to meet national security or law enforcement requirements).
- Personal information may also be shared with a company that acquires our business, whether through merger, acquisition, bankruptcy, dissolution, reorganization, or other similar transaction or proceeding. If this happens, we will post a notice on our home page.
- Shopwindow will always ask for your consent before sharing your personal information with third parties for purposes other than those described in this Section 4.
- Shopwindow is responsible for all onward transfers of personal information to third parties in accordance with the EU-U.S. Privacy Shield Framework, the Swiss-U.S. Privacy Shield Framework, and Canada's Personal Information Protection and Electronic Documents Act (PIPEDA).

5. Information from Shopwindow website visitors and support users

What information do we collect and why?

- As you visit or browse the Shopwindow website, we collect information about the device and browser you use, your network connection, your IP address, and information about the cookies installed on your device. We also collect personal information submitted by you via any messaging feature available from any of our websites (“Messaging Feature”).
- We may also receive personal information when you purchase tickets or make other requests to Shopwindow via any of our websites.
- From telephone support users, we collect your phone number, call audio, and other personal information you provide us during our call. Pursuant to our Terms of Service, we may request additional documentation from you during our call to verify your identity.
- From chat support users, we collect your name, email address, information about the device and browser you use, your network connection, your IP address, chat transcript, and other personal information you provide us during our chat. Pursuant to our Terms of Service, we may request additional documentation from you during our chat to verify your identity.
- From forum users, we collect your name, email address, website URL, and other personal information you may post.

We use this information to verify your account, to provide and enhance our Services (including supporting or servicing your account, if applicable), and answer any questions you may have.

When do we collect this information?

- We collect this information when you visit the Shopwindow website, use Services offered on our websites or engage with us either by email, web form, instant message, phone, or post content on or through our websites (including forums, blogs and via any Messaging Feature). We also collect any additional information that you might provide to us.

6. Information from cookies and similar tracking technologies

What is a cookie? A cookie is a small amount of data, which may include a unique identifier. Cookies are sent to your browser from a website and stored on your device. We assign a different cookie to each device that accesses our website.

Why does Shopwindow use cookies and similar tracking technology?

- We use cookies to recognize your device and provide you with a personalized experience on our websites, or otherwise through the Services. We also use cookies as part of the Services, for example to operate the shopping cart for our merchants' stores. Read more about how we use cookies on our sites and our merchants' sites in our Cookie Policy.
- We use cookies to serve targeted ads from [Google](#), [Facebook](#), and other third-party vendors. We also use cookies, and other information from your browser and/or device to provide you with personalized advertising, ad delivery, and reporting across multiple sessions and devices.
- Our third-party advertising partners use cookies to track your prior visits to our websites and elsewhere on the Internet in order to serve you targeted ads. For more information about targeted or behavioral advertising, please visit <https://www.networkadvertising.org/understanding-online-advertising>.
- We may also use web beacons, software development kits, and other automated tracking methods on our websites, in communications with you, and in our products and services, to measure performance and engagement.
- Please note that because there is no consistent industry understanding of how to respond to "Do Not Track" signals, we do not alter our data collection and usage practices when we detect such a signal from your browser.

7. Third party apps

- Shopwindow's platform allows merchants to connect their stores with [third party applications](#) to alter or provide new functionalities in their store. Unless listed as "Made by Shopwindow," Shopwindow is not responsible for and has no control over how these apps function. Merchants ultimately can control which apps they choose to use with their stores, and are responsible for making sure that they do so in compliance with relevant privacy and data protection requirements.

8. For how long do we retain your personal information?

- In general, we keep your personal information throughout your relationship with us. For merchants, this means we will keep your information as long as you maintain a store on our platform. For partners, this means we will keep your information until you inform us that you wish to terminate your partner relationship with us. We purge personal information 90 days after receiving a merchant or partner deletion request. We also purge personal information from merchant stores 90 days after two years of inactivity.

- For our merchants’ customers, we generally process your information solely as a data processor on behalf of our merchants, and it is up to the merchant to determine how long they will store your information in our systems.
- Shopwindow acts as a data processor on behalf of our merchants, except where personal data of merchants’ customers is used for the purposes specified for us in Section 3 ‘What do we use this data for?’ Purposes include for risk and fraud screening.
- Once you terminate your relationship with us, we generally will continue to store archived copies of your personal information for legitimate business purposes such as to defend a contractual claim or for audit purposes and to comply with the law, except when we receive a valid erasure request, or, if you are a merchant, you terminate your account and your personal information is purged pursuant to our standard purge process.
- We will continue to store anonymous or anonymized information, such as website visits, without identifiers, in order to improve our Services.

9. What we don’t do with your personal information

- We do not and will never share, disclose, sell, rent, or otherwise provide personal information to other companies (other than to specific Shopwindow merchants you are interacting with, or to third party apps or service providers being used by those merchants if you are a consumer, or Partners that you hire if you are a merchant) for the marketing of their own products or services. We also do not and will not “sell” your customers’ information, as that term is used in California law.
- If you are a merchant using Shopwindow’s Services, we do not use the personal information we collect from you or your customers to independently contact or market to your customers. However, Shopwindow may contact or market to your customers if we obtain their information from another source, such as from the customers themselves
- We will not charge you more or provide you with a different level of service if you exercise your privacy rights.

10. How do we keep your personal information secure?

- We follow industry standards on information security management to safeguard sensitive information, such as financial information, intellectual property, employee details and any other personal information entrusted to us. Our information security systems apply to people, processes and information technology systems on a risk management basis.
- No method of transmission over the Internet, or method of electronic storage, is 100% secure. Therefore, we cannot guarantee the absolute security of your personal information.

11. Residents of the European Economic Area (“EEA”)

Shopwindow works with merchants and users around the world, including in the EEA. If you are located in the EEA, your personal information is processed by MessengerSell Inc. As part of our service, we may transfer your personal information to other regions, including to Canada and the United States. In order to ensure that your information is protected when transferred out of the EEA, Shopwindow relies on the EU-U.S. Privacy Shield (described in more detail below), as well as inter-company agreements between our various affiliates that may process your information on behalf of Shopwindow International Ltd.

If you are located in the EEA, you have certain rights under European law with respect to your personal data, including the right to request access to, correct, amend, delete, port to another service provider, or object to certain uses of your personal data. If you are a merchant, a partner, a visitor of Shopwindow’s websites, or a user of Shopwindow’s support services and wish to exercise these rights, please reach out to us using the contact information below. If you are a customer of a merchant who uses Shopwindow’s platform and wish to exercise these rights, please contact the merchants you interacted with directly -- we serve as a processor on their behalf, and can only forward your request to them to allow them to respond.

If you are unhappy with the response that you receive from us we hope that you would contact us to resolve the issue but you also have the right to lodge a complaint with the relevant data protection authority in your jurisdiction at any time.

Additionally, if you are located in the EEA, we note that we are generally processing your information in order to fulfill contracts we might have with you (for example if you make an order through the Site), or otherwise to pursue our legitimate business interests listed above, unless we are required by law to obtain your consent for a particular processing operation. In particular we process your personal data to pursue the following legitimate interests, either for ourselves, our merchants, our partners, or other third parties (including our merchants’ customers):

- To provide merchants and others with our services and applications;
- To prevent risk and fraud on our platform;
- To provide communications, marketing, and advertising;
- To provide reporting and analytics;
- To help merchants find and integrate with apps through our app store;
- To provide troubleshooting, support services, or to answer questions;
- To test out features or additional services; and
- To improve our services, applications, and websites.

When we process personal information to pursue these legitimate interests, we do so where we believe the nature of the processing, the information being processed, and the technical and organisational measures employed to protect that information can help mitigate the risks to the data subject.

15. How to contact Shopwindow

If you would like to make a legal request, or serve a subpoena or similar document seeking information about our merchants, their stores, or other parties whose data we process, please review our [Guidelines for Legal Requests](#).

If you have any questions about your personal information or this policy, or if you would like to make a complaint about how Shopwindow processes your personal data, please contact Shopwindow by email at privacy@shopwindow.co.

12. How do we protect your personal information across borders?

While Shopwindow Inc. is a Canadian company and primarily stores data in the United States and Canada, we provide services to individuals and our technology processes data from users around the world. Accordingly, Shopwindow may transmit your personal information outside of the country, state, or province in which you are located. Transferred data may be subject to the laws of those countries. Shopwindow does not transfer or store data in countries that do not have a robust regime of data protection.

Shopwindow complies with the EU-U.S. Privacy Shield Framework, regarding the collection, use, and retention of personal information from data subjects in the European Economic Area (“EEA”), and with the Swiss-U.S. Privacy Shield Framework regarding the collection, use and retention of personal information from data subjects in Switzerland. In this regard, we have certified that we adhere to the Privacy Shield Principles of notice, choice, accountability for onward transfers, security, data integrity and purpose limitation, access, recourse, enforcement and liability.

If you are located in the EEA or in Switzerland, and believe that your personal information has been used in a manner that is not consistent with the relevant privacy policies listed above, please contact us using the information below. If your complaint or dispute remains unresolved, you may also contact the International Centre for Dispute Resolution®, the international division of the American Arbitration Association® (ICDR/AAA). This organization provides independent dispute resolution services, at no charge to you. ICDR/AAA can be contacted at <http://go.adr.org/privacysield.html>.

If, after attempting to resolve a dispute through ICDR/AAA, you feel that your concerns about the use of your personal information have not been resolved, you may seek resolution

of the issue through binding arbitration. For more information about the binding arbitration process, please visit <http://www.privacyshield.gov>.

By participating in the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework, Shopwindow's participating U.S. entities are subject to the investigatory and enforcement powers of the U.S. Federal Trade Commission. For more information about the EU-U.S. Privacy Shield and the Swiss-U.S. Privacy Shield, please visit <https://www.privacyshield.gov>. You can view Shopwindow's certification statement at <https://www.privacyshield.gov/participant?id=a2zt0000000TNSNAA4&status=Active>.

13. Automated Decision-Making

In the course of offering our services, Shopwindow uses a number of machine learning algorithms and forms of automated decision-making. For example, we use automated decision-making: to prevent risk and fraud by merchants; to help merchants avoid fraudulent transactions from their customers; to personalize merchants' experience when they use our admin; and to determine eligibility for certain services.

Most of these algorithms (excluding the personalization features and a subset of customer risk/fraud screening, discussed in more detail below) are not fully automated and include some human intervention (for example, customer risk and fraud scores are provided to merchants, who must intentionally decide how to act on them). Our personalization algorithms are fully automated, but only affect display features like how apps in the app store are presented to you. Similarly, we have a small subset of fully automated fraud screening blacklists, which, if we believe a transaction was made using stolen or fraudulent payment information, may stop a customer from completing a transaction--but only for a period of between a few hours and a few days.

14. Control over and access to your personal information

Shopwindow understands that you have rights over your personal information, and takes reasonable steps to allow you to access, correct, amend, delete, port, or limit the use of your personal information. If you are a merchant or a partner, you can update many types of personal information, such as payment or contact information, directly within your account settings. If you are unable to change your personal information within your account settings, or if you are concerned about data collected as you visit Shopwindow's websites or use our support services, please contact us to make the required changes.

Please note that if you send us a request relating to your personal information, we have to make sure that it is you before we can respond. In order to do so, we may ask to see documentation verifying your identity, which we will discard after verification.

If you would like to designate an authorized agent to exercise your rights for you, please email us from the email address we have on file for you. If you email us from a different email address, we cannot determine if the request is coming from you and will not be able to

accommodate your request. In your email, please include the name and email address of your authorized agent.

If you are a merchant's customer and wish to exercise these rights, please contact the merchants you interacted with directly -- we serve as a processor on their behalf, and can only forward your request to them to allow them to respond.

It's important to remember that if you delete or limit the use of your personal information, the Services may not function properly.