

## PROPHASELABS.COM

### PRIVACY POLICY (EFFECTIVE DATE: JANUARY 6, 2020)

Thank you for visiting [www.ProPhaseLabs.com](http://www.ProPhaseLabs.com)! Your privacy is important to us. This policy applies to all of the products and services offered on and to all information collected by any of the ProPhase Labs websites (including mobile versions of our websites) or its affiliated companies' websites. This policy also applies to information we obtain from third parties, such as the purchase of customer lists.

If you are a California consumer, for more information about your privacy rights, please see the section of this Privacy Policy called "[California Consumer Privacy Statement](#)."

If you are a Nevada consumer, for more information about your privacy rights, please see the section of this Privacy called "[Notice to Nevada Residents](#)."

If you have any questions or concerns about this Privacy Policy, please contact us through our website or write to us at:

ProPhase Labs, Inc., P.O. Box 1349, Doylestown, PA 18901

***We will never knowingly collect any personal information about children under the age of 13. If we obtain actual knowledge that we have collected personal information about a child under the age of 13, that information will be immediately deleted from our database. Because we do not collect such information, we have no such information to use or to disclose to third parties. We designed this policy in order to comply with the Children's Online Privacy Protection Act (COPPA).***

#### **1. How we collect information.**

##### 1.1 Information you provide

We collect information from you by various methods, such as when you complete a product survey, order form, or a registration page either online or offline (such as in person, by mail, by phone, and similar means), or when you complete online or offline surveys, order forms, or registration pages operated by third parties who sell that information to us (collectively, a "Survey"). This information may include your first and last name, email address, street address, postal code, telephone numbers (including cell phone numbers and carriers), and other information concerning you in combination with an identifier in a form that makes the information personally identifiable. We may combine information we collect from third parties with information you provide on our website so as to improve the quality of our website and provide you with better service. Completing these surveys is completely voluntary, and you are under no obligation to provide information requested in these surveys, but you may receive incentives from in exchange for completing a survey.

##### 1.2 Information from third parties

We sometimes may receive information about individuals from third parties or located in public databases. In addition, we purchase information provided by consumers to third parties. This information may include a consumer's first and last name, email address, street address, postal code, telephone numbers (including cell phone numbers and carriers), birth date, gender,

salary range, credit card information, education and marital status, occupation, industry of employment, personal and online interests, and such other information as the individual may have provided to the third party (including information that can be used in combination with an identifier in a form that makes the information personally identifiable). We seek assurances from the company selling the information that it has the right to do so.

### 1.3 Other sources of information

We also obtain information when an individual is making a claim for a prize or seeking to redeem an incentive offered by us by a third party, when an individual requests assistance through our customer service department, and when an individual voluntarily subscribes to one of our services or newsletters.

### 1.4 Cookies and other technology

We currently use cookies technology on our websites, and as technology evolves, we may use that and other technology to improve your access to our sites and to improve the quality of our services. For example, we use cookies to make and improve your individual profile in our database, to track your online browsing habits to allow for targeted advertising, and to determine which areas of our websites are most frequently visited. This information helps us to better understand the online habits of our customers so that we can improve their experiences on our sites.

A cookie is a small amount of data stored on your computer's hard drive that allows us to identify you and connect you with your corresponding data that resides in our database. Cookies do not track any personal information, give us the ability to contact you, or extract information from your computer. Cookies help us to improve your experience by storing your preferences, tracking user trends, and allowing for advertising targeted to you. You must accept cookies in order to use all of the features and functionality of our websites.

## **2. How we use information.**

### 2.1 Our discretion to use information

WE MAY USE YOUR INFORMATION FOR ANY LEGALLY PERMISSIBLE PURPOSE IN OUR SOLE DISCRETION. This policy describes how we currently use your information, but we may change or broaden this use at any time. If we do, we will endeavor to update this policy from time to time, and we encourage you to revisit this page to stay up to date. Currently, we use consumer information to provide promotional offers by means of email advertising, telephone marketing, direct mail marketing, online banner advertising, package stuffers, and similar purposes. If you do not wish us to use personal information about you to promote or sell our products and services or to sell, transfer or otherwise provide personal information about you to third parties, please inform us by contacting customer service at 1-215-345-0919 and we will certainly honor your request.

### 2.2 Email

We may use your information to provide promotional offers to you by email. We may maintain separate email lists for different purposes. If you do not wish to receive emails from a

particular list, follow the instructions at the end of each email message to unsubscribe from that list.

#### 2.2(a) Content of Email Messages

In certain commercial email messages we send, an advertiser's name will appear in the "From:" line but hitting the "Reply" button will cause a reply email to be sent to us. The "Subject:" line of our email messages will usually contain a line provided to us from the advertiser.

#### 2.2(b) Solicited Email

We only send emails to individuals who have agreed on our websites to receive email from us and to individuals who have agreed on third party websites to receive email from third parties such as us. We do not send unsolicited email messages. As a result, statutes requiring certain formatting for unsolicited email are not applicable to our email messages.

#### 2.3 Direct mail and telemarketing

We may use your information to provide targeted advertising using email, direct mail, telephones, cell phones, and other means of communication to provide promotional offers.

We may use the information we collect from and about you to perform business functions such as:

- enabling users to use our Site and its features
- processing and fulfilling your transactions
- administering the Site and your account with us
- responding to your requests, questions, and concerns
- administering promotions and communicating with contest entrants and winners
- conducting market research
- developing new features and offerings on the Site
- communicating with you about our and others' products, services and events that we think might interest you
- protecting our rights and property
- processing employment applications
- complying with and enforcing applicable legal and regulatory requirements, industry standards and our policies and terms
- recovering debt and protecting against and preventing fraud, unauthorized transactions, claims and other liabilities
- customizing our Site to your interests and history with us
- tailoring ads displayed to you on third-party websites to your interests and history with us

- operating, evaluating and improving our business (including developing new products and services; managing our communications; performing data analytics; deidentifying personal information; determining and managing the effectiveness of our advertising and marketing; analyzing our products, services and Site; and performing accounting, auditing, billing, reconciliation and collection activities)

### **3. How we protect your information**

3.1 We store your information in a database on our computers. Our computers have security measures (such as firewalls and SSL) in place to protect against the loss, misuse, and alteration of the information under our control, but we cannot guarantee that these measures will prevent the unauthorized access to, or theft of, your information.

3.2 We may in certain cases collect credit card numbers and related information, such as the expiration date of the card, when you place an order. We use technology, controls and restrictions on employee access to safeguard your personal information. For example, this information is encrypted and is protected with SSL encryption software. You can verify this by looking for a closed lock icon at the bottom of your web browser, or by looking for “https” at the beginning of the address of the web page. We will use your credit card information to process and complete the purchase transaction. Our policy is to never send private information, such as your credit card number, via email. In fact, this is a practice we recommend you adopt in all your Internet activities.

3.3 You can access your information if you want to correct, amend, or delete such information, or if you merely want to see what information we have about you. Contact our customer service number shown on the order page.

### **4. When we provide your information to others**

#### 4.1 To fulfill your order

We will transfer your information to a third party when necessary to provide a product or service that you order from that third party while using one of our websites or when responding to offers we provide.

#### 4.2 Legal Process and Other Enforcement

We may disclose your information to respond to subpoenas, court orders, and other legal processes, as well as to enforce our site policies or protect our or others’ rights, property or safety

#### 4.3 Access to partners and advertisers

We may provide advertisers and email service providers access to your email address to verify the origin of the information collected. We also share aggregate information with our partners and advertisers. This information is not linked to any personal information that can identify any individual person, but these companies may use cookies and/or web beacons to measure advertising effectiveness.

We may share your information with our website hosting partners and other parties who assist us in operating our website, conducting our business, or servicing you, so long as those parties agree to keep this information confidential.

#### 4.4 Corporate transaction

If we become involved in a merger, acquisition, sale of our assets, or similar transaction, we will provide notice to you if your information is transferred and becomes subject to a different privacy policy.

### **Third-Party Analytics Services**

We may use third-party analytics services on our Sites, such as Google Analytics. The analytics providers that administer these services use technologies such as cookies, web beacons and web server logs to help us analyze your use of the Site. The information collected through these means (including IP address) may be disclosed to these analytics providers, and other relevant third parties who use the information to evaluate use of the Site. To learn more about Google Analytics and how to opt out, please visit <https://www.google.com/intl/en/analytics/learn/privacy.html> or <https://support.google.com/analytics/answer/181881?hl=en>.

## **5. Privacy Practices of Third Parties.**

### 5.1 Advertiser cookies and web beacons

Advertising agencies, advertising networks, and other companies who place advertisements on our websites may use their own cookies, web beacons, and other technology to collect information about individuals. We do not control these companies' use of such technology and we have no responsibility for the use of such technology to gather information about individuals.

### 5.2 Links

Our websites and email messages sometimes contain hypertext links to the websites of third parties. We are not responsible for the privacy practices or the content of such other websites. Linked websites may contain links to websites maintained by third parties. Those links are provided for your convenience and reference only. We do not operate or control in any respect any information, software, products or services available on such third party websites. The inclusion of a link to a website does not imply our endorsement of the services or the site, its contents, or its sponsoring organization.

## **6. Unsubscribe procedures; Do Not Track Signals**

If you wish to discontinue receiving email messages from us please call us at 215-345-0919 or you can email us at: [privacy@ProPhaseLabs.com](mailto:privacy@ProPhaseLabs.com). You can also write to:

ProPhase Labs, Inc.  
P.O. Box 1349

Doylestown, PA 18901

We do not track our customers over time and across third party websites to provide targeted advertising, and therefore we do not respond to Do Not Track (DNT) signals. Third parties that have content embedded on our website (such as a social media feature or link) may set cookies on a user's browser and/or obtain information about the fact that a web browser visited our site from a certain IP address. Third parties cannot collect any other personally identifiable information from our website, however, unless you provide it to them directly.

To exercise your choices, you may also contact us as specified in the Contact Us section below. If you are a California consumer, please see the "California Consumer Privacy Statement" section of this Privacy Notice for more information about your privacy rights under California law.

## **7. Changes to this Privacy Policy**

Please note that this Policy may change from time to time. We will not reduce your rights under this Policy without your consent. We cannot undertake to provide individual notice of these changes to you, but we will post any changes on this page and we will change the effective date shown on the first page of this Policy. If the changes are significant, we will provide a more prominent notice, such as on our home page. We will keep archived copies of all prior versions of this Policy which you can review upon request.

### **NOTICE TO NEVADA RESIDENTS**

1. You have the right to opt-out of the sale of your personal information by submitting a verified request by calling us at 215-345-0919 or emailing us at [privacy@ProPhaseLabs.com](mailto:privacy@ProPhaseLabs.com). We will respond to your request within 60 days, although we may extend this period by 30 days if reasonably necessary. At this time, we do not sell your personal information.

2. You also have the right to review the personal information we maintain about you and to request changes to this information. If you wish to do so, please call us at 215-345-0919 or you can email us at: [privacy@ProPhaseLabs.com](mailto:privacy@ProPhaseLabs.com).

3. Nevada law requires that we provide you with the following information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 East Washington Street, Suite 3900, Las Vegas, NV 89101; phone number (702) 486-3132; email: [BCPINFO@ag.state.nv.us](mailto:BCPINFO@ag.state.nv.us).

## CALIFORNIA CONSUMER PRIVACY STATEMENT

This California Consumer Privacy Statement supplements the ProPhase Labs, Inc. Privacy Policy and applies solely to California consumers. This Statement does not apply to ProPhase Labs, Inc. personnel.

This California Consumer Privacy Statement uses certain terms that have the meaning given to them in the California Consumer Privacy Act of 2018 and its implementing regulations (the "CCPA").

### 1. **Notice of Collection, Use and Sale of Personal Information**

a. *Our Collection of Personal Information.* We may collect the following categories of personal information about you:

- **Identifiers:** identifiers such as a real name, postal address, unique personal identifier (such as telephone number, cookies, beacons, pixel tags, mobile ad identifiers and similar technology), online identifier, Internet Protocol address, email address, and other similar identifiers;
- **Additional Data Subject to Cal. Civ. Code § 1798.80:** signature, education, bank account number, credit card number, debit card number, other financial information, and health-related information
- **Protected Classifications:** characteristics of protected classifications under California or federal law, such as race, national origin, sex, gender, disability, citizenship status, and military and veteran status
- **Commercial Information:** commercial information, including records of personal property, products or services purchased, obtained, or considered, and other purchasing or consuming histories or tendencies
- **Online Activity:** Internet and other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding your interaction with websites, applications or advertisements
- **Geolocation Data**
- **Sensory Information:** audio, electronic, visual, thermal, olfactory, and similar information
- **Employment Information:** professional or employment-related information
- **Inferences:** inferences drawn from any of the information identified above to create a profile about you reflecting your preferences, characteristics,

psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.

b. *Our Use of Personal Information.* We may use the categories of personal information listed above for the purposes described in our Notice. In addition, we may use these categories of personal information for certain business purposes specified in the CCPA, as described in this table:

Purposes	Categories of Personal Information
Performing services, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services, providing analytics services, or providing similar services	Identifiers; Additional Data Subject to Cal. Civ. Code § 1798.80; Commercial Information; Online Activity; Geolocation Data; and Inferences
Auditing related to a current interaction with you and concurrent transactions, including, but not limited to, counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance	Identifiers; Additional Data Subject to Cal. Civ. Code § 1798.80; Commercial Information; Online Activity; Geolocation Data
Short-term, transient use, including, but not limited to, the contextual customization of ads shown as part of the same interaction	Identifiers; Online Activity; Geolocation Data
Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity	Identifiers; Additional Data Subject to Cal. Civ. Code § 1798.80; Commercial Information; Online Activity; Geolocation Data



Purposes	Categories of Personal Information
Debugging to identify and repair errors that impair existing intended functionality	Online Activity
Undertaking internal research for technological development and demonstration	Online Activity; Geolocation Data
Undertaking activities to verify or maintain the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by us, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by us	Identifiers; Additional Data Subject to Cal. Civ. Code § 1798.80; Protected Classifications; Commercial Information; Online Activity; Geolocation Data; Sensory Information; Inferences

c. *Our Sale of Personal Information.* We do not sell your personal information in exchange for monetary compensation. We may allow certain third parties (such as certain advertising partners) to collect your personal information via automated technologies on our Sites in exchange for non-monetary consideration, such as an enhanced ability to serve you content and advertisements that may be of interest to you. You have the right to opt out of this disclosure of your information, as detailed below. We will use any personal information we collect from you in connection with an opt-out request solely for the purposes of complying with the opt-out request.

We do not sell the personal information of minors under 16 years of age without affirmative authorization if we have actual knowledge of the individual's age.

## 2. **Our Prior Collection, Use and Disclosure of Personal Information**

We may have collected and used your personal information, as described in section 1 above, during the 12-month period prior to the effective date of this California Consumer Privacy Statement. For the personal information collected during that timeframe, we describe below: (a) the categories of sources from which we may have obtained the personal information, (b) the categories of third parties with whom we may have shared the information, (c) the categories of personal information we may have sold, and (d) the categories of personal information we may have disclosed for a business purpose.

**a. Sources of Personal Information**

We may have obtained personal information about you from various sources, as described below.

<b>Categories of Sources of Data Collection</b>	<b>Categories of Personal Information</b>
Directly from you or your devices, such as through your use of the Site, customer service calls and our "Contact Us" feature	Identifiers; Additional Data Subject to Cal. Civ. Code § 1798.80; Protected Classifications; Commercial Information; Online Activity; Geolocation Data; Sensory Information; Employment Information
From your friends, through our "tell-a-friend" tool	Identifiers
Our affiliates	Identifiers; Commercial Information; Online Activity
Vendors who provide services on our behalf	Identifiers; Additional Data Subject to Cal. Civ. Code § 1798.80; Protected Classifications; Commercial Information; Online Activity; Geolocation Data; Sensory Information; Employment Information; and Inferences
Social media networks	Identifiers; Online Activity; Geolocation Data; and Inferences
Online advertising companies	Identifiers; Online Activity; Geolocation Data; Inferences
Sweepstakes and contests, affinity groups, or other marketing campaigns	Identifiers; Commercial Information; Online Activity; Inferences

<b>Categories of Sources of Data Collection</b>	<b>Categories of Personal Information</b>
Consumer relations interactions	Identifiers; Additional Data Subject to Cal. Civ. Code § 1798.80; Protected Classifications; Commercial Information; Online Activity; Geolocation Data; Sensory Information; and Inferences
Trade shows	Identifiers; Commercial Information; Employment Information
Lunch and learn sessions with sales representatives	Identifiers; Employment Information

***b. Sharing of Personal Information***

We may have shared your personal information with certain categories of third parties, as described below:

<b>Categories of Third Parties</b>	<b>Categories of Personal Information</b>
Our affiliates	Identifiers; Commercial Information; Online Activity; Geolocation Data; Employment Information; and Inferences
Our business partners	Identifiers; Additional Data Subject to Cal. Civ. Code § 1798.80; Commercial Information; Online Activity; Geolocation Data

<b>Categories of Third Parties</b>	<b>Categories of Personal Information</b>
Vendors who provide services on our behalf	Identifiers; Additional Data Subject to Cal. Civ. Code § 1798.80; Protected Classifications; Commercial Information; Online Activity; Geolocation Data; Sensory Information; Employment Information; and Inferences
Our co-sponsor(s) if we obtain your information in connection with a contest, sweepstakes, offering, or other promotional activity that is jointly offered by us and any third parties	Identifiers; Online Activity; Geolocation Data
Advertising networks	Identifiers; Online Activity; Geolocation Data and Inferences
Internet service providers	Identifiers; Online Activity; Geolocation Data
Data analytics providers	Identifiers; Online Activity; Geolocation Data; Inferences
Government entities	Identifiers; Protected Classifications
Operating systems and platforms	Identifiers; Online Activity; Geolocation Data; Sensory Information; Employment Information
Social media networks	Identifiers; Online Activity; Geolocation Data

*c. Sale of Personal Information*

During the 12-month period prior to the effective date of this California Consumer Privacy Statement, we may have sold the following categories of personal information:

- **Identifiers**
- **Online Activity**
- **Inferences**

*d. Disclosure of Personal Information for a Business Purpose*

We may have disclosed to third parties the following categories of personal information for a business purpose:

- Identifiers
- Additional Data Subject to Cal. Civ. Code § 1798.80
- Protected classifications
- Commercial Information
- Online Activity
- Geolocation Data
- Sensory Information
- Employment Information
- Inferences

3. **California Consumer Privacy Rights**

You have certain choices regarding our use and disclosure of your personal information, as described below.

Access: You may have the right to request, twice in a 12-month period, that we disclose to you the categories and specific pieces of personal information we have collected, used, disclosed and sold about you during the past 12 months, as well as the categories of sources from which the personal information is collected, the business or commercial purposes for collecting or selling personal information, and the categories of third parties with whom we share, disclose or sell personal information.

Deletion: You have the right to request that we delete the personal information we have collected from you.

Opt-Out of Sale: You have the right to opt-out of the sale of your personal information by sending an email to [privacy@ProPhaseLabs.com](mailto:privacy@ProPhaseLabs.com) or by calling 215-345-0919.

Shine the Light Request: You also may have the right to request that we provide you with (1) a list of certain categories of personal information we have disclosed to third parties for their direct marketing purposes during the immediately preceding calendar year and (2) the identity of those third parties.

**How to Submit a Request:** To submit an access or deletion request, please send an email to [privacy@ProPhaseLabs.com](mailto:privacy@ProPhaseLabs.com) or call us at 215-345-0919. To submit a Shine the Light request, please send an email to [privacy@ProPhaseLabs.com](mailto:privacy@ProPhaseLabs.com).

**Verifying Requests:** To help protect your privacy and maintain security, we will take steps to verify your identity before granting you access to your personal information or complying with your request. If you have an account with us, we may ask you to verify your identity by requiring you to sign in to your account. If you do not have an account and request access to or deletion of your personal information, we may require you to provide any of the following information: **name, email address and telephone number**. In addition, if you do not have an account and you ask us to provide you with specific pieces of personal information, we will require you to sign a declaration under penalty of perjury that you are the consumer whose personal information is the subject of the request. If you designate an authorized agent to make an access, deletion or opt-out of sale request on your behalf (1) we may require you to provide the authorized agent written permission to do so, (2) we may require your authorized agent to verify his or her own identity and authority to sign, and (3) for access and deletion requests, we may require you to verify your own identity directly with us (as described above). We will use the personal information received in a request solely for the purpose of responding to the request.

**Additional Information:** If you choose to exercise any of your rights under the CCPA, you have the right to not receive discriminatory treatment by us. To the extent permitted by applicable law, we may charge a reasonable fee to comply with your request. This Statement is available in alternative formats upon request. Please contact **215-345-0919** to request this Statement in an alternative format.

**Contact us:**

ProPhase Labs, Inc.  
P.O. Box 1349  
Doylestown, PA 18901  
215-345-0919  
[privacy@ProPhaseLabs.com](mailto:privacy@ProPhaseLabs.com)