

Privacy Policy

Last Updated Date: 8/23/2022

Thank you for choosing Fresh Technology, Inc. d/b/a Fresh KDS and ToGoTechnologies for your restaurant needs. We are committed to protecting your personal information and your right to privacy. If you have any questions or concerns about this privacy notice or our practices with regard to your personal information, please contact us at privacy@freshtechology.com.

This “Privacy Policy” describes the privacy practices of Fresh Technology, Inc. and our subsidiaries and affiliates (collectively, “Fresh Technology”, “we”, “us”, or “our”) in connection with the www.freshtechology.com website, the Fresh KDS mobile application, and any other website or mobile application that we own or control and which posts or links to this Privacy Policy (collectively, the “Service”), and the rights and choices available to individuals with respect to their information.

We provide important information for individuals located in the European Union, [European Economic Area](#), and United Kingdom (collectively, “Europe” or “European”) [below](#).

Table of Contents

- **Personal Information We Collect**
- **How We Use Your Personal Information**
- **How We Share your Personal Information**
- **Your Choices**
- **Other sites, mobile applications and services**
- **Security practices**
- **International Data Transfers**
- **Children**
- **Changes to this Privacy Policy**
- **How to Contact Us**
- **Your California Privacy Rights**
- **Notice to European Users**
- **Cookie Policy**

Personal Information We Collect

Information you provide to us. Personal information you provide to us through the Service or otherwise includes:

- **Business and personal contact information**, such as your first and last name, email and mailing addresses, phone number, professional title and Fresh Technology name.
- **Content you choose to upload to the Service**, such as text, images, audio, and video, along with the metadata associated with the files you upload.
- **Profile information**, such as your username and password that you may set to establish an online account with us.
- **Registration information**, such as information that may be related to a service, an account or an event you register for.
- **Feedback or correspondence**, such as information you provide when you contact us with questions, feedback, or otherwise correspond with us online.
- **Demographic Information**, such as your city, state, country of residence, postal code, and age.
- **Precise geolocation information**, such as when you authorize our mobile application to access your location.
- **Transaction information**, such as information about payments to and from you and other details of products or services you have purchased from us.
- **Usage information**, such as information about how you use the Service and interact with us, including information associated with any content you upload to the websites or otherwise submit to us, and information you provide when you use any interactive features of the Service.
- **Marketing information**, such as your preferences for receiving communications about our activities, events, and publications, and details about how you engage with our communications
- **Other information** that we may collect which is not specifically listed here, but which we will use in accordance with this Privacy Policy or as otherwise disclosed at the time of collection.

Information we obtain from social media platforms. We may maintain pages for our Fresh Technology on social media platforms, such as Facebook, LinkedIn, Twitter, Google, YouTube, Instagram, and other third party platforms. When you visit or interact with our pages on those platforms, the platform provider's privacy policy will apply to your interactions and their collection, use and processing of your personal information. You or the platforms may provide us with information through the platform, and we will treat such information in accordance with this Privacy Policy.

Information we obtain from other third parties. We may receive personal information about you from third-party sources. For example, a business partner may share your contact information with us if you have expressed interest in learning specifically about our products or services, or the types of products or services we offer. We may obtain your personal information from other third parties, such as marketing partners, publicly-available sources and data providers.

Cookies and Other Information Collected by Automated Means

We, our service providers, and our business partners may automatically log information about you, your computer or mobile device, and activity occurring on or through the Service. The information that may be collected automatically includes your computer or mobile device operating system type and version number, manufacturer and model, device identifier (such as the Google Advertising ID or Apple ID for Advertising), browser type, screen resolution, IP address, the website you visited before browsing to our

website, general location information such as city, state or geographic area; and information about your use of and actions on the Service, such as pages or screens you viewed, how long you spent on a page or screen, navigation paths between pages or screens, information about your activity on a page or screen, access times, and length of access. Our service providers and business partners may collect this type of information over time and across third-party websites and mobile applications.

On our webpages, this information is collected using cookies, browser web storage (also known as locally stored objects, or “LSOs”), web beacons, and similar technologies, and our emails may also contain web beacons. In our mobile application, we may collect this information directly or through our use of third-party software development kits (“SDKs”). SDKs may enable third parties to collect information directly from our App.

See our [Cookie Policy](#) for more information.

Referrals

Users of the Service may have the opportunity to refer friends or other contacts to us. If you are an existing user, you may only submit a referral if you have permission to provide the referral’s contact information to us so that we may contact them.

How We Use Your Personal Information

We use your personal information for the following purposes and as otherwise described in this Privacy Policy or at the time of collection:

To operate the Service. We use your personal information to:

- provide, operate and improve the Service
- provide information about our products and services
- establish and maintain your user profile on the Service
- facilitate your login to the Service via third-party identity and access management providers, such as Square
- enable security features of the Service, such as by sending you security codes via email or text messages, and remembering devices from which you have previously logged in
- communicate with you about the Service, including by sending you announcements, updates, security alerts, and support and administrative messages
- understand your needs and interests, and personalize your experience with the Service and our communications
- provide support and maintenance for the Service
- respond to your requests, questions and feedback

For research and development. We analyze use of the Service to analyze and improve the Service and to develop new products and services, including by studying user demographics and use of the Service.

To send you marketing and promotional communications. We may send you Fresh Technology-related marketing communications as permitted by law. You will have the ability to opt-out of our marketing and promotional communications as described in the [opt out of marketing](#) section below.

To comply with law. We use your personal information as we believe necessary or appropriate to comply with applicable laws, lawful requests, and legal process, such as to respond to subpoenas or requests from government authorities.

For compliance, fraud prevention, and safety. We may use your personal information and disclose it to law enforcement, government authorities, and private parties as we believe necessary or appropriate to: (a) protect our, your or others' rights, privacy, safety or property (including by making and defending legal claims); (b) enforce the terms and conditions that govern the Service; and (c) protect, investigate and deter against fraudulent, harmful, unauthorized, unethical or illegal activity.

With your consent. In some cases we may specifically ask for your consent to collect, use or share your personal information, such as when required by law.

To create anonymous, aggregated or de-identified data. We may create anonymous, aggregated or de-identified data from your personal information and other individuals whose personal information we collect. We make personal information into anonymous, aggregated or de-identified data by removing information that makes the data personally identifiable to you. We may use this anonymous, aggregated or de-identified data and share it with third parties for our lawful business purposes, including to analyze and improve the Service and promote our business.

How We Share your Personal Information

We do not share your personal information with third parties without your consent, except in the following circumstances or as described in this Privacy Policy:

Affiliates. We may share your personal information with our corporate parent, subsidiaries, and affiliates, for purposes consistent with this Privacy Policy.

Service providers. We may share your personal information with third party companies and individuals that provide services on our behalf or help us operate the Service (such as customer support, hosting, analytics, email delivery, marketing, and database management services). These third parties may use your personal information only as directed or authorized by us and in a manner consistent with this Privacy Policy, and are prohibited from using or disclosing your information for any other purpose.

Partners. We may sometimes share your personal information with partners or enable partners to collect information directly via our Service.

Professional advisors. We may disclose your personal information to professional advisors, such as lawyers, bankers, auditors and insurers, where necessary in the course of the professional services that they render to us.

For compliance, fraud prevention and safety. We may share your personal information for the compliance, fraud prevention and safety purposes [described above](#).

Business transfers. We may sell, transfer or otherwise share some or all of our business or assets, including your personal information, in connection with a business transaction (or potential business transaction) such as a corporate divestiture, merger, consolidation, acquisition, reorganization or sale of assets, or in the event of bankruptcy or dissolution.

Your Choices

In this section, we describe the rights and choices available to all users. Users who are located within the European Union can find additional information about their rights [below](#).

Access or Update Your Information. If you have registered for an account with us, you may review and update certain personal information in your account profile by logging into the account.

Opt out of marketing communications. You may opt out of marketing-related emails by following the opt-out or unsubscribe instructions at the bottom of the email, or by contacting us at [privacy@freshtechnology.com]. You may continue to receive service-related and other non-marketing emails. If you receive marketing text messages from us, you may opt out of receiving further marketing text messages from us by replying STOP to our marketing message.

Cookies & Browser Web Storage. We may allow service providers and other third parties to use cookies and similar technologies to track your browsing activity over time and across the Service and third party websites. For more details, see our [Cookie Policy](#).

Privacy settings and location data. We make available certain privacy settings on the Service. Users of our mobile application also have the choice whether to allow us to access your precise location data. Your device settings may provide the ability for you to revoke our ability to access location data.

Users may opt out of receiving targeted advertising on websites through members of the Network Advertising Initiative by clicking [here](#) or the Digital Advertising Alliance by clicking [here](#). European users may opt out of receiving targeted advertising on websites through members of the European Interactive Digital Advertising Alliance by clicking [here](#), selecting the user's country, and then clicking "Choices" (or similarly titled link). Users of our mobile applications may opt out of receiving targeted advertising in mobile apps through participating members of the Digital Advertising Alliance by installing the AppChoices mobile app, available [here](#), and selecting the user's choices. Please note that we also may work with companies that offer their own opt-out mechanisms and may not participate in the opt-out mechanisms that we linked above.

In addition, your mobile device settings may provide functionality to limit our, or our partners', ability to engage in ad tracking or targeted advertising using the Google Advertising ID or Apple ID for Advertising associated with your mobile device.

If you choose to opt-out of targeted advertisements, you will still see advertisements online but they may not be relevant to you. Even if you do choose to opt out, not all companies that serve online behavioral advertising are included in this list, so you may still receive some cookies and tailored advertisements from companies that are not listed.

Choosing not to share your personal information. Where we are required by law to collect your personal information, or where we need your personal information in order to provide the Service to you, if you do not provide this information when requested (or you later ask to delete it), we may not be able to provide you with our services. We will tell you what information you must provide to receive the Service by designating it as required at the time of collection or through other appropriate means.

Other sites, mobile applications and services

The Service may contain links to other websites, mobile applications, and other online services operated by third parties. These links are not an endorsement of, or representation that we are affiliated with, any third party. In addition, our content may be included on web pages or in mobile applications or online

services that are not associated with us. We do not control third party websites, mobile applications or online services, and we are not responsible for their actions. Other websites and services follow different rules regarding the collection, use and sharing of your personal information. We encourage you to read the privacy policies of the other websites and mobile applications and online services you use.

Security practices

The security of your personal information is important to us. We employ a number of organizational, technical and physical safeguards designed to protect the personal information we collect. However, security risk is inherent in all internet and information technologies and we cannot guarantee the security of your personal information.

International data transfers

We are headquartered in the United States and have service providers in other countries, and your personal information may be transferred to the United States or other locations outside of your state, province, or country where privacy laws may not be as protective as those in your state, province, or country.

European Union users should read the important information provided [below](#) about transfer of personal information outside of the European Union.

Children

As a general rule, children are not allowed to use the Service, and we do not collect personal information from them. We define "children" as anyone under 13 years old. If we learn that we have collected personal information of a child without the consent of the child's parent or guardian, we will delete it. We encourage parents with concerns to [contact us](#).

Changes to this Privacy Policy

We reserve the right to modify this Privacy Policy at any time. If we make material changes to this Privacy Policy, we will notify you by updating the date of this Privacy Policy and posting it on the Service. We may, and if required by law will, also provide notification of changes in another way that we believe is reasonably likely to reach you, such as via e-mail (if you have an account where we have your contact information) or another manner through the Service.

Any modifications to this Privacy Policy will be effective upon our posting the new terms and/or upon implementation of the new changes on the Service (or as otherwise indicated at the time of posting). In all cases, your continued use of the Service after the posting of any modified Privacy Policy indicates your acceptance of the terms of the modified Privacy Policy.

How to Contact Us

Please direct any questions or comments about this Policy or privacy practices to privacy@freshtechology.com. You may also write to us via postal mail at:

Fresh Technology, Inc d/b/a Fresh KDS and ToGo Technologies

Attn: Legal – Privacy

975 Main Street Nashville, TN 37206

Your California Privacy Rights

Under California Civil Code section 1798.83, California residents are entitled to ask us for a notice identifying the categories of personal customer information which we share with our affiliates and/or third parties for marketing purposes, and providing contact information for such affiliates and/or third parties. If you are a California resident and would like a copy of this notice, please submit a written request to us via email to plynman@freshtechology.com. You must put the statement "Your California Privacy Rights" in your request and include your name, street address, city, state, and ZIP code. We are not responsible for notices that are not labeled or sent properly, or do not have complete information.

Notice to European Users

The information provided in this "Notice to European Users" section applies only to individuals in Europe.

Personal information. References to "personal information" in this Privacy Policy are equivalent to "personal information" governed by European data protection legislation.

Controller. Fresh Technology is the controller of your personal information covered by this Privacy Policy for purposes of European data protection legislation.

Legal bases for processing. We use your personal information only as permitted by law. Our legal bases for processing the personal information described in this Privacy Policy are described in the table below.

Processing purpose (click link for details) <i>Details regarding each processing purpose listed below are provided in the section above titled "How we use your personal information".</i>	Legal basis
To operate the Service	Processing is necessary to perform the contract governing our provision of the Service or to take steps that you request prior to signing up for the Service. If we have not entered into a contract with you, we process your personal information based on our legitimate interest in providing the Service you access and request.
<ul style="list-style-type: none">• For research and development• To send you marketing communications• For compliance, fraud prevention and safety• To create anonymous data	These activities constitute our legitimate interests. We do not use your personal information for these activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).
To comply with law	Processing is necessary to comply with our legal obligations.
With your consent	Processing is based on your consent. Where we rely on your consent you have the right to withdraw it any time in the manner indicated when you consent or in the Service.

Use for new purposes. We may use your personal information for reasons not described in this Privacy Policy where permitted by law and the reason is compatible with the purpose for which we collected it. If we need to use your personal information for an unrelated purpose, we will notify you and explain the applicable legal basis.

Sensitive personal information. We ask that you not provide us with any sensitive personal information (e.g., information related to racial or ethnic origin, political opinions, religion or other beliefs, health, biometrics or genetic characteristics, criminal background or trade union membership) on or through the Service, or otherwise to us.

If you provide us with any sensitive personal information to us when you use the Service, you must consent to our processing and use of such sensitive personal information in accordance with this Privacy Policy. If you do not consent to our processing and use of such sensitive personal information, you must not submit such sensitive personal information through our Service.

Retention

We retain personal information for as long as necessary to fulfill the purposes for which we collected it, including for the purposes of satisfying any legal, accounting, or reporting requirements, to establish or defend legal claims, or for fraud prevention purposes.

To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorized use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

Your rights

European data protection laws give you certain rights regarding your personal information. If you are located within the European Union, you may ask us to take the following actions in relation to your personal information that we hold:

- **Access.** Provide you with information about our processing of your personal information and give you access to your personal information.
- **Correct.** Update or correct inaccuracies in your personal information.
- **Delete.** Delete your personal information.
- **Transfer.** Transfer a machine-readable copy of your personal information to you or a third party of your choice.
- **Restrict.** Restrict the processing of your personal information.
- **Object.** Object to our reliance on our legitimate interests as the basis of our processing of your personal information that impacts your rights.

You may submit these requests by email to privacy@fresh.technology or our postal address provided [above](#). We may request specific information from you to help us confirm your identity and process your request. Applicable law may require or permit us to decline your request. If we decline your request, we will tell you why, subject to legal restrictions. If you would like to submit a complaint about our use of your personal information or our response to your requests regarding your personal information, you

may [contact us](#) or submit a complaint to the data protection regulator in your jurisdiction. You can find your data protection regulator [here](#).

Cross-Border Data Transfer

If we transfer your personal information out of Europe to a country not deemed by the European Commission to provide an adequate level of personal information protection, the transfer will be performed:

- Pursuant to the recipient's compliance with standard contractual clauses, EU-US Privacy Shield (or Swiss-US Privacy Shield, as applicable), or Binding Corporate Rules
- Pursuant to the consent of the individual to whom the personal information pertains
- As otherwise permitted by applicable European requirements.

You may contact us if you want further information on the specific mechanism used by us when transferring your personal information out of Europe.

Cookie Policy

This Cookie Policy explains how Fresh Technology, Inc. d/b/a Fresh KDS and ToGoTechnologies ("Fresh Technology", "we", "us" or "our") uses cookies and similar technologies in connection with the www.freshtechology.com website and any other website that we own or control and which posts or links to this Cookie Policy (collectively, the "Sites"), along with the Fresh KDS and ToGo Tech mobile applications and any other mobile applications that we own or control and which posts or links to this Cookie Policy (collectively, the "Apps").

What are cookies?

Cookies are small data files that are placed on your computer or mobile device when you visit a website. Cookies serve different purposes, like helping us understand how a site is being used, letting you navigate between pages efficiently, remembering your preferences and generally improving your browsing experience.

Our Sites may use both session cookies (which expire once you close your web browser) and persistent cookies (which stay on your computer or mobile device until you delete them).

We use two broad categories of cookies: (1) first party cookies, served directly by us to your computer or mobile device, which we use to recognize your computer or mobile device when it revisits our Sites and to track your session logins; and (2) third party cookies, which are served by service providers or business partners on our Sites, and can be used by these parties to recognize your computer or mobile device when it visits other websites. Third party cookies can be used for a variety of purposes, including site analytics, advertising and social media features.

What types of cookies and similar tracking technologies does Fresh Technology use on the Sites?

On the Sites, we use cookies and other tracking technologies in the following categories described in the table below.

Type	Description	Who serves the cookies (link to privacy policy/site)	How to control them
Advertising	These cookies are used by advertising companies to collect information about how you use our Sites and other websites over time. These companies use this information to show you ads they believe will be relevant to you within our Service and elsewhere, and to measure how the ads perform.	Facebook Twitter	See 'your choices' below.

<i>Analytics</i>	These cookies help us understand how our Service is performing and being used. These cookies may work with web beacons included in emails we send to track which emails are opened and which links are clicked by recipients.	Google Analytics Google Tag Manager	See ‘your choices’ below. Google Analytics uses its own cookies. You can find out more information about Google Analytics cookies here and about how Google protects your data here . You can prevent the use of Google Analytics relating to your use of our Sites by downloading and installing a browser plugin available here .
<i>Essential</i>	These cookies are necessary to allow the technical operation of our Service (e.g., they enable you to move around on a website and to use its features).	Internal	See ‘your choices’ below.
<i>Functionality/performance</i>	These cookies enhance the performance and functionality of our Service.	Intercom HubSpot	See ‘your choices’ below.

Other technologies

In addition to cookies, our Sites may use other technologies, such as Flash technology and pixel tags to collect information automatically.

Browser Web Storage

We may use browser web storage (including via HTML5), also known as locally stored objects (“LSOs”), for similar purposes as cookies. Browser web storage enables the storage of a larger amount of data than cookies. Your web browser may provide functionality to clear your browser web storage.

Web Beacons

We may also use web beacons (which are also known as pixel tags and clear GIFs) on our Sites and in our HTML formatted emails to track the actions of users on our Sites and interactions with our emails. Unlike cookies, which are stored on the hard drive of your computer or mobile device by a website, pixel tags are embedded invisibly on webpages or within HTML formatted emails. Pixel tags are used to demonstrate that a webpage was accessed or that certain content was viewed, typically to measure the success of our marketing campaigns or engagement with our emails and to compile statistics about usage of the Sites, so that we can manage our content more effectively.

Mobile Application Software Development Kits (SDKs)

We may use third-party software development kits (“SDKs”) in our mobile applications. A SDK is third-party computer code that may be used for a variety of purposes, including to provide us with analytics regarding the use of our mobile applications, to integrate with social media, add features or functionality to our app, or to facilitate online advertising. SDKs may enable third parties to collect information directly via our App.

Your choices

Most browsers let you remove or reject cookies. To do this, follow the instructions in your browser settings. Many browsers accept cookies by default until you change your settings. Please note that if you set your browser to disable cookies, the Sites may not work properly.

For more information about cookies, including how to see what cookies have been set on your computer or mobile device and how to manage and delete them, visit www.allaboutcookies.org. If you do not accept our cookies, you may experience some inconvenience in your use of our Sites. For example, we may not be able to recognize your computer or mobile device and you may need to log in every time you visit our Sites.

Users may opt out of receiving targeted advertising on websites through members of the Network Advertising Initiative by clicking [here](#) or the Digital Advertising Alliance by clicking [here](#). European users may opt out of receiving targeted advertising on websites through members of the European Interactive Digital Advertising Alliance by clicking [here](#), selecting the user’s country, and then clicking “Choices” (or similarly-titled link). Users of our mobile applications may opt out of receiving targeted advertising in mobile apps through participating members of the Digital Advertising Alliance by installing the AppChoices mobile app, available [here](#), and selecting the user’s choices. Please note that we also may work with companies that offer their own opt-out mechanisms and may not participate in the opt-out mechanisms that we linked above.

If you choose to opt-out of targeted advertisements, you will still see advertisements online but they may not be relevant to you. Even if you do choose to opt out, not all companies that serve online behavioral advertising are included in this list, and so you may still receive some cookies and tailored advertisements from companies that are not listed.

For more information about how we collect, use and share your information, see our [Privacy Policy](#).

Changes

Information about the cookies we use may be updated from time to time, so please check back on a regular basis for any changes.

Questions

If you have any questions about this Cookie Policy, please contact us by email at privacy@freshtechology.com

Date last modified: 8/23/2022