NEW Brookshire Brothers, Inc. Privacy Policy

Effective Date: July 1, 2024

We, Brookshire Brothers, Inc. and our affiliates (“Brookshire Brothers”, “we”, “us” or “our”) provide the following notice regarding our personal data practices:

[**Section A**](#_Section_A) of this Privacy Policy describes our collection, use, and disclosure of Consumers’ (defined below) personal data including, but not limited to, Consumers’ first and last name, e-mail address, phone number, address, and full payment account number (also referred to herein as “PD”), as those terms are defined under the Texas Data Privacy and Security Act (the “Consumer Privacy Notice”). Section A reflects our Consumer data privacy practices regardless of your state of residence.

[**Section B**](#_Section_B) of this Privacy Policy applies to all users of, and visitors to, our online services (including websites, and emails) that post a link to this notice (“Online Services”) (the “Online Services Privacy Notice”). **Do not use our Online Services if you do not accept our data practices as described in the** [**Online Services Privacy Notice**](#_Section_B) **and agree to our** [**Terms of Use**](https://www.brookshirebrothers.com/terms-use)**.**

[**Section C**](#_Texas_Privacy_Rights)of this Privacy Policy describes Texas Consumers’ privacy rights and how to exercise them (“Texas Privacy Rights”). Our application of the rights in this section to other states is discretionary.

[**Section D**](#_Data_Security) includes information regarding our data security practices, [**Section E**](#_Changes_to_These_1) includes information regarding changes to this Privacy Policy and [**Section F**](#_Contact_Us) lists our contact information.

Collectively, Sections A-F are our “Privacy Policy”, which describes our consumer privacy practices and policies, but does not apply to our job applicants, current and former employees, or independent contractors. This Privacy Policy does not include our data practices as a covered entity under the Health Insurance Portability and Accountability Act (“HIPAA”) with respect to protected health information (“PHI”), which is addressed in our [Notice of Pharmacy Privacy Practices](https://www.brookshirebrothers.com/pharmacy/pharmacy-privacy-policy). Additional notices may be made at the point of collection, in which case those will supplement this Privacy Policy and govern that collection in the event of a conflict with this main Privacy Policy. Capitalized terms used but not defined herein will have the meanings given to them in the Texas Privacy Law.

To see and print our full Privacy Policy, click here [Link to printable version]. You can also request a copy, including Braille, or otherwise obtain disability access assistance by contacting us at [insert contact].

# Consumer Privacy Notice

This Consumer Privacy Notice applies to “Consumers,” which is defined under the Texas Data Privacy and Security Act, Tex. Bus. & Com. Code §§ 541.001-541.205, (effective July 1, 2024) (“Texas Privacy Law”) as an individual who is a Texas resident of this state acting only in an individual or household context. “Consumer” does not include an individual acting in a commercial or employment context. This notice is designed to provide Consumers with notice of our PD (defined above) practices, including through Brookshire Brothers online and offline services (the “Services”). Additional detail about our online data practices is at the [Online Services Privacy Notice](#_Online_Services_Privacy). Capitalized terms used but not defined herein will have the meanings given to them in the Texas Privacy Law.

If Brookshire Brothers’s processing materially changes between updates to this notice, Brookshire Brothers will provide a supplemental notice when or before the changes apply. Otherwise, this Consumer Privacy Notice serves as our notice at collection. Notably, this Consumer Privacy Notice does not apply to data that is not treated as PD under the Texas Privacy Law or to the extent the data is subject to an exemption under the Texas Privacy Law.

## Our Business Purposes for Processing Your Personal Data

Generally, we retain, use, and disclose your PD for different purposes, such as to provide you the Services and as otherwise related to the operation of our business, including for the “Business Purposes” listed below (some of which may overlap). This may include disclosing or otherwise making available PD to our vendors that perform services for us in their role as our “Processor” under the Texas Privacy Law.

* ***Providing Products and Services:*** Processing or fulfilling orders and transactions, administering accounts and our loyalty program, providing customer service, verifying customer information, and processing payments.
* ***Managing Interactions and Transactions:*** Performing services on behalf of the business, including maintaining or servicing accounts, administering accounts and our Celebrate Rewards loyalty program, providing customer service, verifying customer information, processing payments, providing analytic services, providing storage, or providing similar services on behalf of the business, and customizing your experience, offers and content.
* ***Security and Debugging:*** Helping to ensure security and integrity to the extent the use of the consumer’s PD is reasonably necessary and proportionate for these purposes. Debugging to identify and repair errors that impair existing intended functionality.
* ***Advertising and Marketing:*** Auditing related to counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance with the Texas Privacy Law. Short-term, transient use, including, but not limited to, nonpersonalized advertising shown as part of a consumer’s current interaction with the Service. Performing advertising and marketing, including in the context that could be considered a “Sale” or “Targeted Advertising”. Customizing your experience, offers, and content. Please refer to the [Do Not Sell/Target Opt-out Request](#DNST) section for more information regarding your right to opt-out of the processing of your PD for “Sale” or “Targeted Advertising” purposes.
* ***Quality Assurance:*** Undertaking activities to verify or maintain the quality or safety of our products and services, to improve, upgrade, or enhance our products and services.
* ***Research and Development:*** Undertaking internal research for technological development and demonstration.
* ***Operation of Our Business:*** For our legitimate business purposes that are compatible with the purpose of collecting your PD and that are not prohibited by law. We may also use PD for other Business Purposes in a context that is not a “Sale” under the Texas Privacy Law, such as disclosing it to a person that processes PD on our behalf, such as, for example, our service providers, contractors, vendors, or processors (“Processor”), to the Consumer or to other parties at the Consumer’s direction or through the Consumer’s action; for the additional purposes explained at the time of collection (such as in the applicable privacy policy or notice); as required or permitted by applicable law; to the government or private parties (including litigants) to comply with law or legal process or protect or enforce legal rights or obligations or prevent harm; and to assignees as part of an acquisition, merger, asset sale, or other transaction where another party assumes control over all or part of our business (“Corporate Transaction”). Subject to restrictions and obligations under the Texas Privacy Law, our Processors may also use your PD for Business Purposes and other purposes permitted by law and may engage their own vendors to enable them to perform services for us. You have a right to opt-out of the processing of your PD for certain purposes, including “Sale”. Please refer to the [Do Not Sell/Target Opt-out Request](#DNST) section for more information.

Some of the Business Purposes may implicate “Selling” and/or “Targeted Advertising” under the Texas Privacy Law. For transparency purposes, we provide detail on the processing purposes and recipients where our processing could be a “Sale” or “Targeted Advertising”. Please refer to the table below and the [Do Not Sell/Target Opt-out Request](#DNST) section for more information.

## Processing Activities: Personal Data Categories, Purposes, and Recipients

The table below describes the categories of PD we collect and examples of data types that fit within each category. The Business Purposes and categories of recipients, including where disclosure may be considered a Sale under the Texas Privacy Law, are also described. As permitted by applicable law, we do not treat deidentified data or aggregate data as PD and we reserve the right to convert, or permit others to convert, your PD into deidentified data or aggregate data, and may elect not to treat publicly available information as PD. We will not attempt to reidentify data that we maintain as deidentified.

| **Category of PD** | **Examples of PD**  | **Business Purpose(s)** | **Categories of Recipients** |
| --- | --- | --- | --- |
| 1. **Identifiers**
 | Real name, alias, postal address, unique personal identifiers, online identifier, Internet Protocol address, e-mail address, and account name. | Providing Products and Services, Managing Interactions and Transactions, Security and Debugging, Advertising and Marketing, Quality Assurance, Research and Development, Recruitment, and Operation of Our Business. | **For Business Purposes:** Software providers, IT vendors, website and app management vendors (e.g., development, security, analytics, etc.), “Third-Party Promotional Partners” (i.e., other brands or companies that we partner with to promote a product or service), payment processors, other members of our corporate group, and other parties, litigants and government entities). **For Sale:** Third-Party Digital Businesses. |
| 1. **Personal Records**
 | Name, signature, description, address, telephone number, and financial information (e.g., payment card information). Some PD included in this category may overlap with other categories. | Providing Products and Services, Managing Interactions and Transactions, Security and Debugging, Advertising and Marketing, Quality Assurance, Research and Development, Recruitment, and Operation of Our Business. | **For Business Purposes:** Software providers, IT vendors, website and app management vendors (e.g., development, security, analytics, etc.), recruitment vendors (e.g., job boards), Third-Party Promotional Partners, payment processors, other members of our corporate group, and other parties (e.g., litigants and government entities). **For Sale:** Third-Party Digital Businesses. |
| 1. **Personal Characteristics or Traits**
 | In some circumstances, we may collect PD that is considered protected under U.S. law, such as information related to medical conditions, but only when that information is relevant for our Pharmacy’s Business Purposes.  | Providing Products and Services, Managing Interactions and Transactions, Security and Debugging, Quality Assurance, Research and Development, and Operation of Our Business. | **For Business Purposes:** Software providers, IT vendors, website and app management vendors (e.g., development, security, analytics, etc.), payment processors, other members of our corporate group, and other parties (e.g., litigants and government entities). **For Sale:** N/A. |
| 1. **Customer Account Details & Commercial Information**
 | Records of products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies. | Providing Products and Services, Managing Interactions and Transactions, Security and Debugging, Advertising and Marketing, Quality Assurance, Research and Development, and Operation of Our Business. | **For Business Purposes:** Software providers, IT Service Providers, Website and app management vendors (e.g., development, security, analytics, etc.), marketing vendors, Third-Party Promotional Partners, payment processors, other members of our corporate group, and other parties (e.g., litigants and government entities).**For Sale:** Third-Party Digital Businesses. |
| 1. **Internet Usage Information**
 | When you browse our sites or otherwise interact with us online, we may collect browsing history, search history, and other information regarding your interaction with our sites, applications, or advertisements. | Providing Products and Services, Managing Interactions and Transactions, Security and Debugging, Advertising and Marketing, Quality Assurance, Research and Development, and Operation of Our Business. | **For Business Purposes:** Software providers, IT vendors, website and app management vendors (e.g., development, security, analytics, etc.), recruitment vendors (e.g., job boards), Third-Party Promotional Partners, payment processors, other members of our corporate group, and other parties (e.g., litigants and government entities). **For Sale:** Third-Party Digital Businesses. |
| 1. **Geolocation Data**
 | If you interact with us online we may gain access to the approximate location of the device or equipment you are using. | Providing Products and Services, Managing Interactions and Transactions, Security and Debugging, Advertising and Marketing, Quality Assurance, Research and Development, Recruitment, and Operation of Our Business. | **For Business Purposes:** Software providers, IT vendors, website and app management vendors (e.g., development, security, analytics, etc.), Third-Party Promotional Partners, payment processors, other members of our corporate group, and other parties (e.g., litigants and government entities). **For Sale:** Third-Party Digital Businesses. |
| 1. **Sensory Data**
 | We may collect audio, video, electronic, or similar information when you contact our customer service line, utilize the customer chat feature, or visit our physical locations. | Providing Products and Services, Managing Interactions and Transactions, Security and Debugging, Quality Assurance, Research and Development, and Operation of Our Business. | **For Business Purposes:** Software providers, IT vendors, website and app management vendors (e.g., development, security, analytics, etc.), other members of our corporate group, and other parties (e.g., litigants and government entities). **For Sale:** N/A |
| 1. **Inferences from PD Collected**
 | Inferences drawn from PD to create a profile about a Consumer reflecting their preferences, behaviors, etc.  | Providing Products and Services, Advertising and Marketing, Quality Assurance, Research and Development, and Operation of Our Business. | **For Business Purposes:** IT Service Providers, IT vendors, website and app management vendors (e.g., development, security, analytics, etc.), Marketing vendors, other members of our corporate group, other parties (e.g., litigants and government entities).**For Sale:** Third-Party Digital Businesses. |

We collect and process data that is “Sensitive Data” under the Texas Privacy Law. The table below describes the categories and examples of Sensitive Data we may collect and the Business Purposes for and recipients of the same.

| **Category of Sensitive PD** | **Examples of PD**  | **Business Purposes** | **Categories of Recipients** |
| --- | --- | --- | --- |
| 1. **Account Log-in**
 | Username and password to online account with Brookshire Brothers | Providing Products and Services, Managing Interactions and Transactions, Security and Debugging, Quality Assurance, and Operation of Our Business. | **For Business Purposes:** Software providers, IT Service Providers, other members of our corporate group, and other parties (e.g., litigants and government entities).**For Sale:** N/A. |
| 1. **Other Sensitive Personal Characteristics**
 | PD revealing mental or physical health diagnosis, or sexuality (such as if you purchase over-the-counter medication for headaches or digestive issues, birth control and pregnancy tests). | Providing Products and Services, Managing Interactions and Transactions, Security and Debugging, Quality Assurance, Research and Development, and Operation of Our Business. | **For Business Purposes:** Software providers, IT vendors, website and app management vendors (e.g., development, security, analytics, etc.), payment processors, other members of our corporate group, and other parties (e.g., litigants and government entities). **For Sale:** N/A. |
| 1. **Sex Life**
 | PD collected and analyzed concerning a Consumer’s sex life (if you purchase consumer health goods such as, for example, birth control, pregnancy tests, etc. from us). | Providing Products and Services, Managing Interactions and Transactions, Security and Debugging, Quality Assurance, Research and Development, and Operation of Our Business. | **For Business Purposes:** Software providers, IT vendors, website and app management vendors (e.g., development, security, analytics, etc.), payment processors, other members of our corporate group, and other parties (e.g., litigants and government entities). **For Sale:** N/A. |

# Online Services Privacy Notice

This Online Services Privacy Notice is a supplement to our other privacy policies and notices, including the privacy policies posted on the Online Services, or any other privacy policy or notice, that posts a link to this Online Services Privacy Notice. In the event of a conflict between any other Brookshire Brothers policy, statement, or notice and this Online Services Privacy Notice, this notice will prevail as to data collected by our Online Services, except where additional notices are posted at collection that are said to modify or supplement this notice.

This Online Services Privacy Notice applies to “Online Services PD,” which is PD that is collected through the [Online Services](#OnlineServicesdef) (defined above). To the extent we combine your Online Services PD with data we receive outside of the Online Services or with deidentified data, we will treat the combined data as Online Services PD and apply this Online Services Privacy Notice to such combined data, unless we have disclosed otherwise. As permitted by applicable law, we do not treat Online Services PD that has been deidentified or aggregated as PD and we reserve the right to convert, permit others to convert, your Online Services PD into deidentified or aggregate consumer data. We will not attempt to reidentify data that we maintain as deidentified.

## Types of Data We Collect

Brookshire Brothers and its Vendors may collect certain Online Services PD from you via the Online Services. Data we collect via our Online Services includes:

* **Identifiers**, including your name, date of birth, phone number, mailing address, email address, and IP address.
* **Contact Information**, including your email address, phone number, and mailing address.
* **Account Details and Commercial Information**, such as your purchase history and amounts, products or services considered, favorite products and communications preferences.
* **Financial and Payment Information**, such as your payment card information (to fulfill your order), but please note that we do not handle full payment card information directly, but rather rely on Vendors for doing so.
* **Service Usage Data**, including information collected by [Tracking Technologies](#TrackingTechdef) (defined below), such as:
	+ your device functionality (browser, operating system, hardware, mobile network information);
	+ the URL that referred you to our Online Services;
	+ how you interact with the Online Services, including the areas within our Online Services that you visit and your activities there (including emails we send, such as whether you open them or click on links within), and the products you search for;
	+ your device location (if you have enabled such features on your device);
	+ your device characteristics; and
	+ device data and the time of day.
* **Location Data**, if you enable features on your device or browser to provide us with your location.
* **Inferences**, including information derived from other information that we have collected. For example, we may make inferences about you based on your order history or other information about you to provide you with offers or advertisements that are most relevant to your interests.

If you use our [Pharmacy](https://www.brookshirebrothers.com/pharmacy) services, we may also collect your prescription information, and information about your health care provider and health insurance provider in order to provide you with the products and services that you requested. Please see the [Notice of Pharmacy Privacy Practices](https://www.brookshirebrothers.com/pharmacy/privacy-policy) for more information.

## How We Collect Online Services Personal Data

Below are some examples of how we may collect Online Services PD. In some instances, our agents, service providers, and vendors (collectively, “Vendors”) may collect your Online Services PD.

### Data That You Provide

Our Online Services are publicly available. We collect Online Services PD and other PD from you when you use the Online Services, such as when you purchase products from us online (i.e., through our website or app), create an account on our website, contact Customer Support, order online, view our Weekly Ad, use our Digital Coupons, participate in a contest, sweepstake, promotion, or survey (such as Celebrate Rewards), join an SMS mobile campaign or sign up to receive emails, messages, or e-newsletters, or otherwise submit PD to us along with any related content of the communication. We also collect your Online Services PD when you use the Brookshire Brothers App and the Pharmacy App.

### Data From Other Sources

We may also collect Online Services PD and other PD about you from other sources, including from companies that can help us correct or supplement our records, improve the quality or personalization of our Online Services to you, and help prevent or detect fraud.

### Automatically Collected Data

We use cookies and other tracking technologies (“Tracking Technologies”) to collect data about your device and your use of the Online Services. We may use a variety of technologies that store or collect certain data whenever you visit or interact with our Online Services. This data may be stored or accessed using a variety of technologies that may be downloaded to your device (e.g., personal computer, browser, laptop, tablet, mobile phone, etc.) whenever you visit or interact with our Online Services.

The data we collect may include your Internet Protocol (“IP”) address, device type, device operating system, browser type, the unique device identifier (“UDID”) or mobile equipment identifier (“MEID”) for your mobile device, and other data (“Device Identifiers”). We may use such Device Identifiers to associate data you have provided on different devices, or during separate interactions with us on the Online Services on the same device. For example, if you login to your account during one interaction but later use the Online Services on the same device without logging into your account, we may use Device Identifiers and other information to associate these separate interactions with the Online Services with your single device. We may also collect Online Services usage data, such as the address of a referring website (if any), the pages you visit on the Online Services, and other data. We may use this data to operate, maintain, and manage our Online Services and to provide customer assistance and technical support.

We may use various Tracking Technologies to collect data on the Online Services, including the types of information described in the Types of Data Collected section above. Tracking Technologies may include:

* **Cookies**. A cookie is a data file placed on a device when it is used to visit the Online Services.
* **Web Beacons (“Tracking Pixels”)**. Small graphic images or other web programming code called web beacons (also known as “1x1 GIFs” or “clear GIFs”) may be included in our Online Services’ pages and messages, including e-mails. Web beacons may be invisible to you, but any electronic image or other web programming code inserted into a page or e-mail can act as a web beacon. Web beacons or similar technologies can be used to count visitors to the Online Services, to monitor how Users navigate the Online Services, to count how many e-mails that were sent were opened or to count how many links were viewed.
* **Embedded Scripts**. An embedded script is programming code that is designed to collect information about the links you click on and your interactions with the Online Services. The code is temporarily downloaded onto your device from our web server or a third-party vendor, is active only while you are connected to the Online Services and is deactivated or deleted thereafter.
* **Location-Identifying Technologies**. Our Online Services may provide you the ability to enable location-identifying technologies, for example, to help you find the closest location that sells our products in-person. To stop utilizing, or to change the settings with respect to, location-identifying technologies, you can change your device or browser preference settings.
* **Device Recognition Technologies.** Technologies, including application of statistical probability to data sets, as well as linking a common unique identifier to different device use (e.g., Facebook ID), which attempt to recognize or make assumptions about users and devices (e.g., that a user of multiple devices is the same user or household) (“Cross-device Data”).
* **In-App Tracking Methods**. There are a variety of Tracking Technologies that may be included in mobile applications, and these are not browser-based like cookies and cannot be controlled by browser settings. Some use device identifiers, or other identifiers such as “Ad IDs,” or may use “SDKs,” to associate app user activity to a particular app and to track user activity across apps and/or devices. SDKs are blocks of code that may be installed in our mobile application by third party companies with which we work. SDKs help us understand how you interact with our mobile application and collect certain information about the device and network you use to access our application, such as the advertising identifier associated with your device and information about how you interact with our application.
* **Device and Activity Monitoring.** Technologies that monitor, and may record, certain of your interactions with the Online Services, and/or collect and analyze information from your device, such as, without limitation, your operating system, plug-ins, system fonts, and other data, for purposes such as identification, security, fraud prevention, troubleshooting, tracking and/or improving the Online Services and customizing or optimizing your experience on the Online Services.

There may be other Tracking Technologies now and later devised and used by us in connection with the Online Services. See the [Choices: Tracking and Communications Options](#_Choices:_Tracking_and) below for more information on your choices regarding Interest-based Advertising and our [Consumer Privacy Notice](#_Enterprise_Privacy_Notice) for more information on Texas residents’ opt-out choices with respect to Tracking Technologies that may implicate a “Sale” or “Targeted Advertising.”.

### Data You Provide About Others

The Online Services (or a Third-Party Service) may allow you to submit the Online Services PD of someone else. Such as, for example, if you purchase groceries online and direct us to send it to your family member or friend, or if you want to send them information from the Online Services, or other communication about Brookshire Brothers products and services. If so, the information you provide will be used to facilitate your request and is not used by us for any other marketing purposes unless we obtain consent from that person or we explicitly say otherwise. Please see our [Terms of Use](https://www.brookshirebrothers.com/terms-use) for our expectations and your obligations as to data that you submit. Please be aware that when you use any send-to-a-friend functionality, your information, including contact information, name or username and message, may be included in the communications sent to your addressee(s), and the communication will indicate it was sent at your request and/or on your behalf.

## Use of Online Services Personal Data

Brookshire Brothers uses your Online Services PD to offer and provide our products and services and to perform our business operations, including order or service fulfillment, internal business processes, marketing, authentication, loss and fraud prevention, public safety and legal functions, as more fully set forth in the [Consumer Privacy Notice](#_Consumer_Privacy_Notice). Without limitation, examples of these functions include:

* Fulfilling orders and requests for products, services or information;
* Establishing and managing your accounts with us;
* Administering and managing our Services, such as merging information you provided on your Brookshire Brothers loyalty card application with your brookshirebrothers.com profile;
* Communicating things like special events, sweepstakes, promotions and surveys, including promotional e-mails and text messages, such as Celebrate Rewards and subscription text message programs;
* Providing customer assistance, responding to requests for information or assistance from you, and providing important information, such as product recalls;
* Analyzing browsing and purchasing data to improve, customize, and market our services and content, to enhance our customers' shopping experiences, and for research, marketing, and other business purposes.

## Disclosures of Online Services Personal Data

We disclose or otherwise make available Online Services PD as described in our [Consumer Privacy Notice](#_Section_A), including, without limitation, as follows:

* **Third-Party Services.** Third-Party Services (defined below) may collect your Online Services PD independently via the Online Services, or we may directly provide them with Online Services PD that we have collected, including in relation to Interest-based Advertising and other purposes. The data practices of these third parties are subject to their own privacy policies and terms.
* **Co-Branded Areas.** Certain areas of the Online Services may be provided to you in association with third parties (“Co-Branded Areas”), such as sponsors, charities and product suppliers, that may request or require you to disclose PD to them. Such Co-Branded Areas will identify the third party and indicate if they have a privacy policy that applies to their collection and use of your information, which we may help facilitate or process. If you elect to register for products and/or services, communicate with such third parties or download their content or applications, at Co-Branded Areas, you may be providing your information to both us and the third party. We are not responsible for such third party’s data collection or practices and you should look to such third party’s privacy policies and terms of use for more information.
* **Sweepstakes, Contests and Promotions.** Brookshire Brothers may offer sweepstakes, contests, and other promotions (each, a “Promotion”), including Promotions jointly sponsored or offered by third parties, which may require submitting PD. If you voluntarily choose to enter a Promotion, your Online Services PD and other PD, may be disclosed to Brookshire Brothers, co-sponsors, Vendors, and other third parties, including for administrative purposes and as required by law (e.g., on a winners list). By entering, you are agreeing to the official rules that govern that Promotion, which may include consent to additional or differing data practices from those contained in this notice (e.g., sharing with third parties for their own direct marketing purposes). Please review those rules carefully.

## Third-Party Content, Links, and Online Services

### Generally

The Online Services have functionality that allows certain kinds of interactions between the Online Services and third-party content, web sites, applications, platform, code (e.g., plug-ins, application programming interfaces (“API”), and software development kits (“SDKs”) and Tracking Technologies (collectively, “Third-Party Services”).

For example, you may have an option to use your Facebook, Google or other account provided by a Third-Party Service to interact with the Online Services, including by logging into the service or posting information from the Online Services on the Third-Party Service (or vice versa) (“Social Features”). If we offer and you choose to use Social Features, the Third-Party Service may send PD about you to us. If so, we will then treat it as PD under this Privacy Policy since we are collecting it as a result of your accessing of and interaction on our Online Services. If you use Social Features, and potentially other Third-Party Services, information you post or provide access to may be publicly displayed on the Online Services and/or by the Third-Party Service that you use, depending on your privacy settings on each. Similarly, if you post information on a Third-Party Service that references the Online Services (e.g., by using a hashtag associated with us in a status update), your post may be used on or in connection with the Online Services or otherwise by us. Also, both we and the third party may have access to certain information about you and your use of the Online Services and any Third-Party Service.

Third-Party Services may use their own cookies, web beacons, and other Tracking Technologies to independently collect information about you, including Third-Party Services to which you are directed from the Online Services, including where you click a link and leave the Online Services entirely. There are certain websites and other Third-Party Services to which we may link from the Online Services, which are third-party websites using our name under license but with their own terms and policies (except where we have explicitly linked to this Privacy Policy).

We are not responsible for the policies or business practices of Third-Party Services, including how they collect, use, or share your information, including through Tracking Technologies that collect information regarding your visit to the Online Services as well as after your visit is over. These Third-Party Services may have their own terms of service, privacy policies or other policies. Be sure to review any available policies before submitting any personally identifiable information to or otherwise interacting with any Third-Party Services.

### Analytics

We may use Google Analytics, or other Vendors for analytics services. These analytics services may use cookies and other Tracking Technologies to help us analyze users and how they use the Online Services. Information generated by these analytics services (e.g., your IP address and other Online Services usage data) may be transmitted to and stored by these Vendors on servers in the U.S. (or elsewhere) and these Vendors and/or Third-Party Services may use this information for purposes such as evaluating your use of the Online Services, compiling statistic reports on the Service’s activity, and providing other services relating to Online Services activity and other Internet usage. See the [Choices: Tracking and Communications Options](#_Choices:_Tracking_and) and [Consumer Privacy Notice](#_Section_A) for more information on your regarding certain analytics Tracking Technologies.

### Interest-Based Advertising

We may engage and work with Vendors and Third-Party Services to serve advertisements on the Online Services and/or on other online services. Some of these ads may be tailored to your interest based on your browsing across time on the Online Services and elsewhere online (other websites and services), which may include use of precise location and/or cross-device data, sometimes referred to as “interest-based advertising” (“Interest-Based Advertising”). See the [Choices: Tracking and Communications Options](#_Choices:_Tracking_and) for information on your choices with respect to Interest-Based Advertising.

## Choices: Tracking and Communications Options

### Marketing and Promotional Communications

You may unsubscribe from email and other electronic marketing communications you receive from us as follows: (i) for promotional emails, following the instructions provided in emails to click on the unsubscribe link, or if available, by changing your communication preferences by logging onto your account; (ii) for text messages, following the instructions provided in text messages from us to text the word, “STOP” (or as otherwise instructed); and (iii) for app push notifications, turn off push notifications on the settings of your mobile device.

We use an opt-in standard for sending you phone and text messages, which means we will only do so with your express consent. If you elect to opt-out of receiving SMS messages, we will send you a final message to confirm your opt-out. In accordance with applicable law, Brookshire Brothers may send you text messages for health and safety emergency purposes, which are exempt from opt-in requirements. You may find the specific terms of our text campaigns by clicking [here](https://www.brookshirebrothers.com/SMS_TC). We use an opt-out standard for email or for other communications, which means we consider your consent is implied, but you can unsubscribe from our promotional emails by following the unsubscribe instructions on such emails, which will be limited to the email and promotional lists you elect. You may still however, receive non-promotional emails such as when we respond to your inquiries or send you information or account notices

Opting out of certain communications will not affect subsequent subscriptions and, if your opt-out is limited to certain types of electronic communications, the opt-out will be so limited. Subsequent or different subscriptions will be unaffected. Please note that we reserve the right to send you certain communications relating to your account or use of our Online Services and administrative, emergency/safety and service announcements. These non-promotional messages will be unaffected if you choose to opt-out of marketing communications.

### App Features and Functionality

All of the Brookshire Brothers App and the Pharmacy App features and functionality, and related information collection, can be terminated by uninstalling the apps. You can use each app’s or your device’s settings to set and change some settings and control some functions, such as enabling or disabling certain features (e.g., “tracking”, Bluetooth, location-based services, push notifications, etc.).

### Tracking Technologies and Interest-Based Advertising

#### Consent Management Platform and Device/Browser Settings

We offer a Tracking Technologies management platform (also called a consent management platform or “CMP”) that allows you to exercise choice with respect to certain Tracking Technologies on the Online Services. Please click here [Link to CMP] to visit the CMP.

Regular cookies may generally be disabled or removed by tools available as part of most commercial browsers, and in some instances blocked in the future by selecting certain settings. Browsers offer different functionalities and options, so you may need to set them separately. Also, tools from commercial browsers may not be effective with regard to certain Tracking Technologies.

Some app-related Tracking Technologies in connection with non-browser usage (e.g., most functionality of a mobile app) can only be disabled by uninstalling the app. To uninstall an app, follow the instructions from your operating system or device manufacturer. Apple and Google mobile device settings have settings to limit ad tracking, and other tracking, but these may not be completely effective.

Your browser settings may allow you to automatically transmit a “Do Not Track” signal to online services you visit. Note, however, there is no consensus among industry participants as to what “Do Not Track” means in this context. Like many online services, we currently do not alter our practices when we receive a “Do Not Track” signal from a visitor’s browser. In addition, please refer to the Please refer to the [Do Not Sell/Target Opt-out Request](#DNST) section for more information regarding how you may configure your browsing settings or browser extensions to allow you to automatically transmit [GPC signals](#GPC).

Some third parties, however, may offer you choices regarding their Tracking Technologies. One way to potentially identify cookies on our web site is to add the free Ghostery plug-in to your browser (www.ghostery.com), which according to Ghostery will display for you traditional, browser-based cookies associated with the web sites (but not mobile apps) you visit and privacy and opt-out policies and options of the parties operating those cookies. Brookshire Brothers is not responsible for the completeness or accuracy of this tool or third-party choice notices or mechanisms. For specific information on some of the choice options offered by third party analytics and advertising providers, see the next section. We may, from time-to-time, and in certain jurisdictions, offer or point you to tools that allow you to exercise certain preferences regarding cookies and other Tracking Technologies associated with the Online Services, but such tools rely on third parties and third-party information so we do not guaranty that the tools will provide complete and accurate information or be completely effective. For instance, here is where you can find cookie controls for popular browsers:

* [Google Chrome](https://support.google.com/chrome/answer/95647?co=GENIE.Platform%3DDesktop&hl=en)
* [Firefox](https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences)
* [Internet Explorer](https://support.microsoft.com/en-gb/help/17442/windows-internet-explorer-delete-manage-cookies)
* [Edge](https://support.microsoft.com/en-us/help/4027947/microsoft-edge-delete-cookies)
* [Safari](https://support.apple.com/en-gb/HT201265)

We do not represent that these third-party tools, programs or statements are complete or accurate. You will need to do this on each browser that you use to access our Online Services and clearing cookies on your browser(s) may disable your preference settings. Also, our Online Services may not function properly or as intended if you block all or even certain cookies. Accordingly, you may want to consider the more limited opt-out choices noted in the next section.

#### Interest-Based Advertising Industry Opt-out Programs

The Digital Advertising Alliance (DAA) offers opt-out programs for Interest-based Advertising. You can visit the following links to submit opt-out requests to companies participating in DAA’s program. For information regarding the opt out of Interest-based Advertising and its limitations, click [here](https://youradchoices.com/control) (web-based program) and [here](https://youradchoices.com/appchoices) (app-based program). To visit the DAA’s opt-out page, click [here](https://optout.aboutads.info/?c=2).

Please be aware that, even if you are able to opt out of certain kinds of Interest-based Ads, you will continue to receive non-targeted ads. Further, if you selectively opt-out of one or more of the above opt-out programs, you may receive Interest-based Advertising from other participants. You may also receive Interest-based Advertising from parties that do not participate in the DAA’s program.

We may use Google Analytics and Ad Services. To learn more about the data Google collects and how your data is used by it and to optout of certain Google browser Interest-Based Advertising, please visit [here](https://adssettings.google.com/anonymous?hl=en). To opt-out of Google Analytics, please visit [here](https://tools.google.com/dlpage/gaoptout).

We are not responsible for effectiveness of, or compliance with, any third parties’ opt-out options or programs or the accuracy of their statements regarding their programs. You will need to exercise the above choices on each browser or device that you use. Please be aware that if you disable or remove certain Tracking Technologies, some parts of the Online Services may not work or will function with more limited capabilities. In addition, please note that your choices sometimes rely on Tracking Technologies, such that when you clear or disable them, your choices are reset.

In addition, please refer to the [Do Not Sell/Target Opt-out Request](#DNST) section for more information regarding how you may configure your browsing settings or browser extensions to allow you to automatically transmit [GPC signals](#GPC).

## Children

Brookshire Brothers does not knowingly collect Online Services PD or other PD about children under 15 years of age without the appropriate consent from their parent or legal guardian. If we become aware that we have collected Online Services PD or other PD from any child under age 13, we will dispose of that data in accordance with the Children’s Online Privacy Protection Act (“COPPA”) and other applicable laws and regulations. If you are a parent or guardian and believe we may have collected such data without parental or guardian consent or other than in a manner authorized by law, please [**contact us**](#_Contact_Us).

# Texas Privacy Rights

## Your Consumer Privacy Rights

The Texas Privacy Law grants Texas Consumers the privacy rights described in this section. The Texas Consumer privacy rights we will consider are as follows:

* ***Right Regarding Sensitive Data:*** We may process Texas Consumers’ Sensitive Data with their consent where required by Texas law. Effective July 1, 2024, if a Consumer provides us with their Sensitive Data in the context or a requested service, they will have consented to such processing in connection therewith.
* ***Right to Confirm and Access:*** Consumers have a right to request to confirm whether we are processing their PD and to access that PD.
* ***Data Portability Rights:*** Consumers have a right to obtain a copy of their PD that we maintain, and if it is available in a digital format, to receive it in a portable and readily usable format that allows the Consumer to transmit the PD to another controller without hindrance.
* ***Right to Correct:*** Consumers have a right to request to correct inaccuracies in their PD that we maintain, considering the nature of the PD and the Business Purpose(s) for the same. Consumers may bring inaccuracies in the PD we maintain to our attention and we will act upon such a complaint as required by the Texas Privacy Law. Consumers can also make changes to their online account in the account settings section of the website and app. That will not, however, change their data that exists outside the website and app environment.
* ***Right to Delete:*** Consumers have a right to request to delete PD they have provided to us or that we obtained about the Consumer, subject to exceptions such as legal obligations and ongoing legitimate interest (such as to complete requested services and maintain transaction records). Please be aware that submitting a deletion request does not ensure complete or comprehensive removal or deletion of PD or user content you may have posted.
* ***Do Not Sell/Target Opt-out Request:*** Consumers have the right to opt-out of the processing of their PD for purposes of Selling or Targeted Advertising. Under the Texas Privacy Law, “Selling” PD means the sharing, disclosing, or transferring of PD for monetary or other valuable consideration by Brookshire Brothers, Inc. to a third party, unless: (a) the third party is our Processor; (b) the disclosure is for purposes of providing a product or service the Consumer requested; (c) the disclosure or transfer is to one of our affiliates; (d) the disclosure or transfer pertains to data that the Consumer intentionally made publicly available through a mass media channel and did not restrict to a specific audience; or (e) the disclosure or transfer pertains to a Corporate Transaction. “Targeted Advertising” means displaying to a Consumer an advertisement that is selected based on PD obtained from that Consumer’s activities over time and across nonaffiliated websites or online applications to predict the Consumer ’s preferences or interests.

Third-Party digital businesses (“Third-Party Digital Businesses”) may associate cookies and other tracking technologies that collect PD about Consumers on our services or collect and process PD that we make available about Consumers, including digital activity information. We understand that giving access to PD on our Services, or otherwise, to Third-Party Digital Businesses could be deemed a Sale under the Texas Privacy Law and thus we will treat such PD (e.g., cookie ID, IP address, and other online IDs and internet or other electronic activity information) collected by Third-Party Digital Businesses, where not limited to acting as our Processor, as a Sale and subject to a Do Not Sell/Target opt-out request. We will not Sell Consumers’ PD or process their PD for Targeted Advertising if the Consumer (or their authorized agent) make a Do Not Sell/Target opt-out request.

*Opt-out for non-cookie PD:* If Consumers want to limit our processing of their non-cookie PD (e.g., email address) for Targeted Advertising, or opt-out of the Sale of such data, they may make an opt-out request via our Consumer Rights Request Form [Insert Link to Consumer Rights Request Form].

*Opt-out for cookie PD:* If Consumers want to limit our processing of their cookie-related PD for Targeted Advertising or opt-out of the Sale of such PD, they may do so by exercising a separate opt-out request on our cookie management tool here [Insert Link to consent management platform]. This is because we must use different technologies to apply opt-outs to cookie PD and non-cookie PD. Our cookie management tool enables Consumers to exercise such an opt-out request and enable certain cookie preferences on their device. A similar tool is available for our app, which Consumers can access via the Do Not Sell/ Target option in the settings menu. Consumers must exercise their preferences on each of our websites and apps that they visit, from each browser they use, and on each device that they use. Since Consumers’ browser opt-out is designated by a cookie, if the Consumer clears or blocks cookies, their preferences will no longer be effective and they will need to enable them again via our cookie management tool. Beware that if Consumers use ad blocking software, our cookie banner may not appear when the Consumer visit our services and they may have to use the link above to access the tool.

For more information on how to limit Interest-based Advertising using browser settings, mobile device settings, or ad industry tools, please see the [Tracking Technologies and Interest-Based Advertising](#_Tracking_Technologies_and) section of our Privacy Policy. We are not responsible for the completeness, accuracy or effectiveness of any third-party notices, tools, or choices.

*Global Privacy Control (“GPC”):* Effective January 1, 2025, the Texas Privacy Law requires businesses to process GPC signals, which are signals sent by a platform, technology, or mechanism, enabled by individuals on their devices or browsers, that automatically communicate the individual’s choice to opt-out of the Sale of PD and/or Targeted Advertising. To use GPC, Consumers can download an internet browser or a plugin to use on their current internet browser and follow the settings to enable GPC. To our knowledge, we have configured the settings of our consent management platform to receive and process GPC signals on our websites, as explained by our consent management platform clicking here [Insert Link to CMP].

Please note that when we receive and process a GPC signal, we will apply such signal as an opt-out of Sale and Targeted Advertising as to cookie PD only, and not to non-cookie PD. Consumers may submit an opt-out request as to non-cookie PD via our Consumer Rights Request Form [Insert Link to Consumer Rights Request Form].

We do not (1) charge a fee for use of our websites if the Consumer has enabled GPC; (2) change the Consumer’s experience with our websites if they use GPC; or (3) display a notification, pop-up, text, graphic, animation, sound, video, or any interstitial in response to the GPC.

* ***Do Not Profile Opt-out Request:*** Consumers have the right to opt-out of PD processing for profiling purposes. We do not profile in a manner that would result in legal or similarly significant effects and as such do not offer this right.
* ***Right to Appeal:*** Consumers may appeal our decision regarding a request by following the instructions in our response to your request. We will inform the Consumer of our final decision within 60 days after the date of receipt of the Consumer’s request to appeal.
* ***Right to Not Be Discriminated Against:*** We will not discriminate or retaliate against you in a manner prohibited by the Texas Privacy Law for your exercise of your Consumer privacy rights.

*Although these rights apply only to Texas residents, we will consider request from others, but will process the requests in our discretion.*

## Privacy Rights Requests

As described in the [Authenticating Privacy Rights Requests](#_Authenticating_Requests) section, to the extent permitted by the Texas Privacy Law, certain requests Consumers submit to us are subject to an identity authentication process in order to verify through reasonable means that the Consumer, or their authorized agent, is entitled to exercise Consumer privacy rights under the Texas Privacy Law with respect to the PD at issue. We will not fulfill a Consumer’s request unless the Consumer and/or their authorized agent has provided sufficient information for us to reasonably authenticate a request.

To make a privacy rights request, or to submit as an authorized agent, use our Consumer Rights Request Form [Insert Link to Consumer Rights Request Form] or contact us via email at consumerprivacyrep@brookshirebrothers.com, and respond to any follow-up inquiries we make.

Some data we maintain about Consumers that is technically considered PD may, nonetheless, not be sufficiently associated with data that the Consumer provided with their privacy rights request. For example, if the Consumer provides their name, email address, and phone number when making a request, we may be unable to associate that with certain data collected on the Service, such as clickstream data tied only to a pseudonymous browser ID. Where we are unable to associate such data with the data provided with the request, we do not include such data in our response. If we cannot comply with a request, we will explain the reasons in our response. We will use the PD provided with a privacy rights request to verify the requestor’s identity or authority to make the request and to track and document request responses unless the Consumer also gave the PD to us for another purpose.

We will make commercially reasonable efforts to identify the Consumer’s PD that we process to respond to privacy rights requests. We will typically not charge a fee to fully respond to requests; provided, however, that we may charge a reasonable fee, or refuse to act upon a request, if the request is excessive, repetitive, unfounded, or overly burdensome. If we determine that the request warrants a fee, or that we may refuse it, we will notify the requestor via an email explaining why we made that decision. The requestor will be provided a cost estimate and the opportunity to accept such fees before we will charge them for responding to their request.

## Authenticating Privacy Rights Requests

Privacy rights requests must be “Authenticated Consumer Requests,” meaning that when a Consumer makes a request, we will verify that they are the person they say they are. For information regarding Authenticated Consumer Requests submitted by authorized agents, please refer to the [Authorizing an Agent](#_Authorizing_an_Agent) section. In addition, we will compare the data provided by the requestor for verification purposes to ensure that we maintain PD about the Consumer who is the subject of the request in our systems. As an initial matter, we may ask the requestor to provide us with, at a minimum, data regarding the Consumer who is the subject of the request including, for example, their full name and phone number or email, and/or recent transaction history. Depending on the nature of the request and whether we have the phone number or email address for the Consumer in our systems, we may request further information from the Consumer to verify that they are, in fact, the Consumer who is the subject of the request. We will review the data and supporting materials provided with the request and may ask for additional information via email or other means to complete the authentication process. We will not fulfill the consumer rights request unless the Consumer has provided sufficient information for us to reasonably verify the Consumer’s identity.

## Authorizing an Agent

Consumers may designate an authorized agent to submit a request on their behalf using the submission methods described in the [Privacy Rights Requests](#_Privacy_Rights_Requests) section. If the party submitting a Consumer rights request is an authorized agent, the Texas Privacy Law requires that we ensure that a request made by an agent is an [Authenticated Consumer Request](#_Authenticating_Privacy_Rights) and allows us to request further information to ensure that the Consumer has authorized the party submitting a request as their agent. Generally, we will request that an agent provide proof that the Consumer gave the agent signed permission to submit the request, and, as permitted under the Texas Privacy Law, we also may require the Consumer to either verify their own identity or directly confirm with us that they provided the agent permission to submit the request.

# Data Security

Brookshire Brothers works to use reasonable safeguards to protect the confidentiality and integrity of your PD. We use reasonable safeguards to protect your data in electronic format. For example, your account information is protected by the password you use to access your online account, so please keep this password confidential.. We also use reasonable safeguards to protect your PD maintained in hard copy records. For example, PD maintained in hard copy records may be kept in locked locations or cabinets. We restrict the number of employees who have access to PD, regardless of the format in which the data is maintained. Employees who violate our privacy and security policies are subject to disciplinary action up to and including termination. We require the Vendors who have access to your data to maintain the security of your data. Please note that we cannot ensure the security of Online Services PD or other PD you transmit to us, and you use our Service and otherwise provide us with your data at your own risk.

# Changes to This Privacy Policy

We reserve the right to change this Privacy Policy at any time. Any changes will apply prospectively effective upon the posting of the revised Privacy Policy. Your continued use of the Service indicates your acknowledgment to the Privacy Policy and notices posted at the time of use. However, we will not use your previously collected PD in a manner that is materially different than was represented at the time it was collected without your consent. To the extent any provision of this Privacy Policy is found by a competent tribunal to be invalid or unenforceable, such provision shall be severed to the extent necessary for the remainder to be valid and enforceable.

# Contact Us

You may request that we do these things or contact us with questions by:

* Access your online account and update your information;
* Following instructions in the e-mail, direct mail, or mobile communication you receive from us;
* Complete and submit our Consumer Rights Request Form [Insert Link to Consumer Rights Request Form] or contact us via email at consumerprivacyrep@brookshirebrothers.com, and respond to any follow-up inquiries we make;
* [Submit a Contact Form](https://brookshirebros.my.site.com/QuestionOrComments); or
* Sending a letter with your request and current contact information to:

Brookshire Brothers Inc.
1201 Ellen Trout Drive
Lufkin, TX 75904

Attention: Privacy/Legal