

## Lucky Orange LLC Privacy Statement

Last Updated: January 19, 2022

This is the privacy statement (the "*Privacy Statement*") that governs how Lucky Orange LLC ("*Lucky Orange*") collects, uses, discloses, and otherwise processes Personal Information (defined below) in connection with [www.luckyorange.com](http://www.luckyorange.com) (the "*Site*") and any other website that links to this Privacy Statement. This Privacy Statement also applies to the Personal Information Lucky Orange receives when customers ("*Customers*") use the Site in connection with Lucky Orange's web analytics services (the "*Service*"). As used herein, the terms "*you*" or "*your*" shall apply to individual users of the Site, or in connection with your use of the Service. If you have any questions or comments regarding this Privacy Statement, please contact us at [privacy@luckyorange.com](mailto:privacy@luckyorange.com).

### 1. What is Personal Information?

Lucky Orange is committed to respecting your privacy and recognize the need for appropriate protection and management of any Personal Information that is shared as part of using the Service. As used in this Privacy Statement, "*Personal Information*" means any information relating to an identified or identifiable natural person. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. When Lucky Orange combines other information (*i.e.*, information that does not, on its own, identify you) with your Personal Information, Lucky Orange treats the combined information as Personal Information.

### 2. When Personal Information is Collected

**A. Personal Information Collected via the Site.** Lucky Orange's Site may collect the following types of information in connection with the Service:

- i. **Contact, Account, and Billing Information.** Lucky Orange processes Personal Information that you provide through creation and management of your account, such as your name, e-mail address, and phone number. Lucky Orange also processes, via a third-party service provider, payment information for billing purposes. Lucky Orange processes this Personal Information only as necessary to provide the Service to you under the [Terms of Service](#) (the "*Agreement*"). For example, Lucky Orange uses this information to bill you for your use of the Service; respond to your inquiries regarding the Service; facilitate Lucky Orange's account recovery services in the event you or one of your users forgets their log-in credentials; and for other purposes related to the reasons for which you provide your Personal Information. Lucky Orange may use your email address to contact you from time to time in furtherance of Lucky Orange's legitimate interests to provide you with information regarding the Service, such as invoices, payment receipts, and information regarding critical updates to your subscription. Unless you opt out using the process described in Section 6, below, Lucky Orange may also send you a newsletter with tips and tricks for maximizing your use of the Service, as well as information on new or additional features.

- ii. **Blog Comments.** If you choose to post comments on the Lucky Orange blog, Lucky Orange requires you to provide your name and your email address (Lucky Orange does not publish your email address). By posting a comment, you consent to Lucky Orange's publication and storage of your blog comment. You may withdraw your consent by submitting a request to remove the post to [privacy@luckyorange.com](mailto:privacy@luckyorange.com). Please be aware that whenever you voluntarily disclose Personal Information online, the information you post becomes public and can be collected and used by others and indexed in search engines (even if Lucky Orange subsequently removes the post).
- iii. **User ID and Password Information.** Lucky Orange processes Customers' user ID and password information to enable them to log into and use the Service. Lucky Orange processes this Personal Information only as necessary to provide the Service to you under the [Agreement](#). In the event you are able to log into the Site or Service through a social networking site (e.g., Facebook or Twitter), Lucky Orange may receive Personal Information in accordance with the privacy notice of that site, which Lucky Orange may add to Personal Information you have previously provided.
- iv. **IP Address and Header Information.** Lucky Orange automatically collects certain information when you visit our Site, such as IP address and Header Information. "*Header Information*" is information such as browser type, geolocation, operating system, language, screen resolution, referring URL, etc. provided to our web server by your browser. Lucky Orange has a legitimate interest in using such information to assist in log-in, systems administration purposes, information security and abuse prevention, and to track user trends.
- v. **Traffic Data.** Lucky Orange uses the Service to generate useful insights about its website's visitors' use of the Site. Lucky Orange uses Traffic Data (defined below) to further our legitimate business interests in analyzing the effectiveness of the Site and Service and to improve the look, function and content of the Site. Lucky Orange only collects keystroke data when you enter data into form fields on the Site that do not require or prompt you to provide sensitive information. You can opt-out of our processing of your Traffic Data by clicking the "[Do not track me](#)" button near the top of this page.
- vi. **Contact Information.** As a visitor to the Site, Lucky Orange may collect your name, email, and free form text entry if you choose to contact us through our "Contact Us" page. Lucky Orange processes this Personal Information to address your comments or questions and Lucky Orange may send you commercial or transactional emails as a result. You can opt-out of commercial emails any time by following the process set forth in Section 6.

**B. Personal Information Collected from the Service.** Lucky Orange processes Personal Information collected from the Service on behalf of Lucky Orange Customers. Customers are responsible for determining the purposes and lawful basis for the processing of the Personal Information which they are a controller of. Lucky Orange strongly advises members of the public to review privacy notices on any Customer website to determine what information is collected and how it is processed by that Customer. As a visitor of one of a Customer website that is utilizing the Service, Lucky Orange may process on behalf of our Customer one or more of the following categories of Personal Information:

- i. **Traffic Data.** As part of the Service, Lucky Orange collects information relating to traffic on its Customer's website(s), such as; pages visited, the visitor's mouse movements and clicks, keystroke data, HTML data on a page visited by a visitor if such HTML data includes Personal Information (collectively, "*Traffic Data*"). Lucky Orange uses Traffic Data to provide Customers with real-time analytics and uptime monitoring. Although Lucky Orange provides features intended to minimize the impact of the Service on visitor's privacy, Lucky Orange does not have control over how Customers use Traffic Data and Customers are, at all times, the controller of the Personal Information collected from the Traffic Data. For example, Customers have the ability to link Traffic Data with available Personal Information (e.g., account information you have provided them). As another example, although Lucky Orange may implement features that enable its Customers to create profiles of individual visitors. If a Customer uses such feature, the Customer solely determines whether to use that profiling information for targeted advertising or other purposes. Customers have the ability to configure the Service to change the amount and type of Traffic Data collected on their websites. For example, by default, Lucky Orange disables the collection of keystroke data on Customers' websites. Keystroke data is only captured if the Customer changes this default setting to enable keystroke collection, and even then only for each text field that the Customer has explicitly authorized keystroke collection. As another example, Lucky Orange allows Customers to scramble the text within any HTML data processed by the Service. When this feature is enabled, Lucky Orange renders any Personal Information within HTML data undecipherable. For more information on the manner in which Customers have implemented the Service on their websites, Lucky Orange recommends that you review such Customers' individually posted privacy notices.
- ii. **IP Address and Header Information.** Through the Service, Customers collect and use IP address and Header Information from visitors when they browse their websites. Lucky Orange processes your IP address to help a Customer identify your internet service provider and the geolocation from which you are accessing the Customer website. Lucky Orange processes Header Information on behalf of its Customers to determine which websites originated traffic into Customer websites, the type of browser you are using, and information about your device and operating system. These details are useful to Customers to help them identify issues with and improve their websites. To help protect your privacy, Lucky Orange allows Customers to enable IP address masking, which is a feature that removes the last three digits of your IP address before Lucky Orange processes your IP address.
- iii. **Derived Data.** All of the data Lucky Orange collects through the Service, including Personal Information, relates to a visitor's use of a single Customer website. Lucky Orange *does not* track visitors across Customer websites. However, Lucky Orange does aggregate Traffic Data to further our legitimate interests in providing statistical benchmarking data and vertical-driven insights to the Lucky Orange Customers ("*Derived Data*"). Derived Data is a combination of your data with the data of others that results in a statistical summary. Derived Data does not include Personal Information. More information on Derived Data can be found in our [Terms of Service](#).

### 3. How Lucky Orange Uses Cookies and Similar Technology

To help operate the Site and Service, enhance your experience, and collect information about online activity, Lucky Orange places small data files on your device known as “cookies,” or other similar technologies (e.g., pixel tags, web beacons, local shared objects). Cookies and similar technologies enable Lucky Orange to personalize the Site, help make the Site load faster (through “load balancing” technology) and enable Customers to collect useful data with the Service. These technologies may allow Lucky Orange and its Customers to store and manage your preferences and settings; measure and analyze how you use the Site and Services and effectiveness of Lucky Orange communications; offer targeted products, programs, and services; and help Lucky Orange improve its products, services, and security.

The table below explains the types of cookies Lucky Orange uses on its websites and why they are used. Also provided are examples of the cookies set by Lucky Orange, with explanations of their purpose. Please note that this is not an exhaustive list, but rather aims to be a representative summary.

Cookie	Description
Essential and Strictly Necessary	These cookies are essential for the website and services to perform their basic functions. These include those required to allow registered users to authenticate and perform account related functions, as well as to save the contents of virtual “carts” on for e-commerce functionality.
Functionality	These cookies are used to store preferences set by users such as account name, language, and location.
Security	Lucky Orange use these cookies to help identify and prevent potential security risks.
Analytics and Performance	Performance cookies collect information on how visitors interact with Lucky Orange websites, including what pages are visited most, as well as other analytical data. Lucky Orange uses these details to improve how the websites function and to understand how visitors interact with them.

Advertising	<p>These cookies are used to display relevant advertising to users who use our services or visitors that visit websites Lucky Orange provides, as well as to understand and report on the efficacy of ads served on Lucky Orange websites. They track details such as the number of unique visitors, the number of times particular ads have been displayed, and the number of clicks the ads have received. They are also used to build visitor profiles, including showing you ads based on products you've viewed or acts you have taken on Lucky Orange (and other) websites. These are set by Lucky Orange and trusted third party networks and are generally persistent in nature.</p>
Third Party / Embedded Content	<p>Sites using Lucky Orange's Service make use of different third party applications and services to enhance the experience of website visitors. These include social media platforms such as Facebook and Twitter (through the use of sharing buttons). As a result, cookies may be set by these third parties, and used by them to track your online activity. Lucky Orange has no direct control over the information that is collected by these cookies.</p>

You may wish to restrict the use of cookies or completely prevent them from being set. If you disable cookies though, please be aware that some of the features of the Lucky Orange Site or Service may not function correctly. Most modern browsers allow you to change your cookie settings. You can usually find these settings in the options or preferences menu of your browser. To understand these settings, the following links for commonly used browsers may be helpful, or you can use the help option in your browser for more details:

- [Cookie settings in Internet Explorer](#)
- [Cookie settings in Firefox](#)
- [Cookie settings in Chrome](#)
- [Cookie settings in Safari web and iOS.](#)

To find out more on how to manage and delete cookies, visit <https://aboutcookies.org/>. For more details on your choices regarding use of your web browsing activity for interest-based advertising you may visit the following sites:

- [networkadvertising.org](http://networkadvertising.org)

- [optout.aboutads.info](https://optout.aboutads.info)
- [youradchoices.com](https://youradchoices.com)
- [youronlinechoices.eu](https://youronlinechoices.eu)

On a mobile device, you may also be able to adjust your settings to limit ad tracking.

You may see a “cookie banner” on our websites. If you are visiting one of the Lucky Orange Customer’s sites from the EU, then Lucky Orange does not set, or allow its ad partners to set, cookies that are used to show you targeted ads before you click to accept. When you consent in this manner, Lucky Orange and its advertising partners may set advertising cookies on the site you are visiting and on other of our websites, dashboards, and services. Lucky Orange will display the banner to you periodically, just in case you change your mind.

#### **4. The Purposes and Use of Personal Information**

If you submit or Lucky Orange collects Personal Information through the Site or the Service, then such Personal Information may be used to:

- Provide, analyze, administer, improve, and personalize the Site or Service;
- Contact you in connection with the Site or Service, notifications, programs or offerings that you may have registered for;
- Send you updates and promotional materials;
- Provide personalized advertising to you;
- Identify and authenticate your access to the parts of the Site or Service that you are authorized to access;
- For recruiting and human resources administration purposes; and
- Protect Lucky Orange rights and/or property and to ensure the technical functionality and security of the Site or Service.

#### **5. To Whom Personal Information Is Disclosed**

Lucky Orange will not disclose your Personal Information except as set forth in this Privacy Statement or with your consent. For example, Lucky Orange does not sell, lease, or exchange your Personal Information, but if this were to change in the future, Lucky Orange would first obtain your express prior consent. This section describes to whom Lucky Orange discloses Personal Information, and for what purposes:

- A. **Our Customers.** As part of the Service, Lucky Orange provides each Customer with access to Derived Data and other data collected through the Service on its behalf.
- B. **Our Service Providers.** Lucky Orange employs service providers to perform tasks on its behalf and to assist in providing the Site and Service. For example, Lucky Orange may share your Personal Information with service providers who assist in the performance of core Site and Service functions (such as hosting, data storage, and security) related to the operation of the Site or Service and/or by making certain interactive tools available to you as a Customer or visitor. Lucky Orange also uses third parties for technical and customer support, application development, tracking and reporting functions, quality assurance, and other services. In the performance of the Service, Lucky Orange may share Personal Information from or about you with these third parties so that it can deliver the highest quality user experience. Lucky Orange uses commercially reasonable efforts to only engage with third parties that post a publicly available privacy notice.
- C. **Our Customers' Service Providers.** Lucky Orange may, at the direction of its Customers, provide data, including Personal Information, to third-party service providers on the Customers' behalf. This enables the Customers to integrate the Service with other services they use, such as customer relation management systems. For more information on the manner in which Customers have implemented the Service on their websites, including integrations with third-party services, Lucky Orange recommends that you review such Customers' posted privacy notices.
- D. **Social Media Services.** Third-party social networks that provide interactive plug-ins or social networking features on the Site (for example, to allow you to "Like" a page), may use cookies or other methods (for example, web beacons) to gather information regarding your use of the Lucky Orange websites and apps. The use of such information by a third party depends upon the privacy notice available on that social network's website, which Lucky Orange encourages you to carefully review. Such third parties may use these cookies or other tracking methods for their own purposes by relating information about your use of the Lucky Orange Site with any of your Personal Information that they may have.
- E. **Advertising.** Lucky Orange engages advertising services to assist in advertising its Site and the Service. From time to time, those services target advertisements on third-party websites based on cookies or other information indicating previous interaction with the Site.
- F. **Google Analytics.** Lucky Orange uses Google Analytics, an analytics service, along with its own Service, to help analyze the traffic on the Site. For more information on Google Analytics' processing of Personal Information, please see ["How Google uses data when you use Lucky Orange partners sites or apps."](#) you can opt out of Google Analytics by installing [Google's opt-out browser add-on](#).
- G. **Companies Involved in Mergers and Acquisition Transactions or Change of Control.** In some cases, Lucky Orange may choose to buy or sell assets. In these types of transactions, user data (including Personal Information) is typically one of the business assets transferred. Moreover, if Lucky Orange, or substantially all of its assets, were



acquired, user data would be one of the assets that is reviewed and transferred or acquired by a third party. Lucky Orange may transfer or assign this Privacy Statement and any Personal Information to a third party entity in the event of some other change of control (such as the result of a bankruptcy proceeding).

#### **H. Law Enforcement, Government Agencies, and Courts.**

Lucky Orange may disclose Personal Information at the request of law enforcement or government agencies or in response to subpoenas, court orders, or other legal process to establish, protect, or exercise our legal or other rights or to defend against a legal claim or as otherwise required or allowed by law, or to protect the rights, property, or safety of a Customer or any other person. Lucky Orange may also disclose Personal Information to investigate or prevent a violation by you of any contractual or other relationship with Lucky Orange (such as a violation of the [Terms of Service](#)) or your illegal or harmful activity.

### **6. How You Can Opt-Out**

You may choose not to receive future promotional or advertising emails from Lucky Orange by selecting an unsubscribe link at the bottom of any email that you receive from Lucky Orange. Additionally, you may send a request specifying your communications preferences to [privacy@luckyorange.com](mailto:privacy@luckyorange.com). You cannot opt out of receiving transactional emails related to the performance of the Service. Please note that even if you opt out of receiving the foregoing emails, Lucky Orange may still send you a response to any “Contact” request as well as administrative, maintenance and operational emails (for example, in connection with a password reset request).

At the top of this page and in the link provided [here](#), Lucky Orange provides access to a data privacy management tool that allows you to opt out of being tracked by the Lucky Orange Service.

### **7. Personal Information from Children**

Lucky Orange does not knowingly make its Service available, or process Personal Information of, children under the age of sixteen (16). If Lucky Orange learns that it has collected Personal Information from children, and there is no lawful basis or parental consent to process such Personal Information under applicable law, Lucky Orange will use commercially reasonable efforts to promptly take steps to delete all such Personal Information.

### **8. Retention of Personal Information**

Lucky Orange will retain your Personal Information for the period necessary to fulfill the purposes for which your Personal Information has been collected as outlined in this Privacy Statement, unless a longer retention period is required by law. Where feasible, Lucky Orange disposes of data, including Personal Information, on a regular schedule. For example, Lucky Orange disposes of Traffic Data collected on behalf of its Customers after thirty (30) days, unless the Customer has purchased a longer storage period. Notwithstanding the foregoing, such data retention period shall not exceed one (1) year.

### **9. How We Protect the Confidentiality and Integrity of Your Personal Information**



Lucky Orange has implemented security measures to protect Personal Information from loss, misuse, and alteration. Lucky Orange uses industry-standard practices such as encrypted storage, firewalls, and password protection systems to safeguard the confidentiality of Personal Information. Lucky Orange takes steps to help ensure its employees and contractors are aware of their information security obligations, and further restricts employee and contractor access to Personal Information. Despite efforts to store Personal Information in a secure operating environment that is not available to the public, Lucky Orange does not and cannot guarantee the security of Personal Information during its transmission or storage on our systems. Further, while Lucky Orange attempts to ensure the integrity and security of Personal Information, it does not and cannot guarantee that the security measures will prevent third parties such as hackers from illegally obtaining access to Personal Information. Lucky Orange does not represent or warrant that Personal Information about you will be protected against, loss, misuse, or alteration by third parties.

## **10. Links to Third Party Websites**

The Lucky Orange Site may contain links to third party websites. Please be aware that Lucky Orange is not responsible for the privacy practices of third party websites you choose to visit. If you provide any information directly to parties other than Lucky Orange, different rules may apply to the use or disclosure of that information. Lucky Orange encourages you to investigate and ask questions before disclosing your Personal Information to third parties.

## **11. Your California Privacy Rights.**

In performing Lucky Orange's Service for its Customers, Lucky Orange operates as a "Service Provider" under Cal. Civ. Code § 1798.100, otherwise known as the "*California Consumer Privacy Act of 2018*" or "CCPA". In fulfilling its obligations to our Customers as a Service Provider, Lucky Orange may process certain Personal Information under instruction from our Customers to fulfill a legitimate "*Business Purpose*" under the CCPA, which may include any one or more of the following activities: maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, providing advertising or marketing services, providing analytic services, or providing similar services. Lucky Orange does not disclose or resell Personal Information for any other commercial purpose, except in certain cases where the Personal Information has been pseudonymized or is considered aggregated consumer information.

Subject to applicable exceptions under the CCPA, Lucky Orange will delete Personal Information of a consumer from its records upon the direction of its Customers in response to a consumer's verifiable request to delete Personal Information. In the event Lucky Orange receives such a request directly, it will forward it to the respective Customer without delay and shall not take further action until such time as directed by Customer. If you are a California consumer and you have any questions regarding our role as a Service Provider or would like to request information regarding the disclosure of Personal Information about you by Lucky Orange to third parties for the third parties' direct marketing purposes, please complete and submit the [Access Request Form](#) or send an email to [privacy@luckyorange.com](mailto:privacy@luckyorange.com).

## **12. GDPR and UK GDPR Policy (for European Data Subjects only).**

This Section 12 explains how Lucky Orange collects and processes Personal Information about you if you are a data subject located in the European Economic Area (“EEA”) or the United Kingdom (“UK”) under the General Data Protection Regulation (“GDPR”) or the United Kingdom GDPR, as applicable. As used in this Section 12, a “*data subject*” is an identified or identifiable person, and “*process*” or “*processing*” means any operation or set of operations which is performed on Personal Information, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

- A. **Lucky Orange’s Basis for Processing.** The following sets out four (4) lawful basis under the GDPR to which Lucky Orange may process your Personal Information:

Basis	Description
Your Consent	Where you have given Lucky Orange consent to process your Personal Information for one or more specified purposes, such as to provide our Service and other services as requested by you.
To Perform a Contract	Where the processing is necessary for the performance of contract to which you are a party and to which Lucky Orange is acting as a processor or subprocessor.
Comply with the Law	Where the processing is necessary for compliance with a legal obligation to which Lucky Orange is subject.
Legitimate Interests	Where the processing is necessary for the purposes of the legitimate interests pursued by Lucky Orange or by a third party, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of Personal Information.

- B. **Data Subject Privacy Rights.** In certain circumstances, local data protection laws and certain local laws (including the GDPR) may give you rights with respect to Personal Information if you are located in the EEA. These rights differ by country/region, but may include access, amend, erase, export (*i.e.*, data portability), or object to or restrict the processing of Personal Information collected via the Site. You may exercise these rights at any time by submitting a [Data Subject Access Request](#) or sending an email to [privacy@luckyorange.com](mailto:privacy@luckyorange.com), and Lucky Orange will comply with all applicable laws. Lucky Orange also provides Customers with access to—and the ability to edit or delete—certain categories of Personal Information through the Account Management page. Lucky Orange has appointed EU Business Partners as its representative in the EU for the purposes of Article 27 of GDPR. You may contact the EU representative, as well as Lucky Orange directly with any query that you may have in relation to your personal data. The contact details are as follows:

EU Business Partners  
10 Ashe Street, Clonakilty, County Cork, P85 E4303, Ireland  
[info@eubusinesspartners.com](mailto:info@eubusinesspartners.com)  
Flor McCarthy, Director

Depending on where you live, you may have the right to lodge a complaint with a supervisory authority or other regulatory agency if you believe that Lucky Orange has violated any of the rights concerning Personal Information about you. Lucky Orange encourages you to first reach out at [privacy@luckyorange.com](mailto:privacy@luckyorange.com), to provide an opportunity to first address your concerns directly.

Lucky Orange does not have control over the processing of Personal Information by its Customers. Thus, if you would like to exercise your rights concerning Personal Information processed through the Service—beyond using the opt-out feature to object to Lucky Orange’s tracking of you—you should reach out to the Customer directly. If you need help contacting one of the Customers, please let Lucky Orange know and they will happy to help connect you if possible.

- C. **Personal Information Transferred from the EEA, UK or Switzerland to the United States.** To the extent that Lucky Orange processes any Personal Data that originates from the EEA, UK, or Switzerland in a country that has not been designated by the applicable Data Protection Authority as providing an adequate level of protection for Personal Data, Lucky Orange shall enter into the EU Standard Contractual Clauses or UK Standard Contractual Clauses with Customer, to the extent applicable. More information about cross-border transfer, including Lucky Orange’s Data Processing Addendum, may be found within the Agreement. In the event that the UK Government recognizes either (a) the EU Standard Contractual Clauses; or (b) an alternative transfer mechanism after the effective date of a Data Processing Addendum with a particular customer (each a “New Transfer Mechanism”), the parties agree that the New Transfer Mechanism shall replace the UK Standard Contractual Clauses in their entirety and shall be expressly incorporated herein. If and to the extent the EU Standard Contractual Clauses and/or the UK Standard Contractual Clauses are no longer recognized by the European Commission, Swiss authorities or the UK Government, as applicable, as an adequate mechanism for the transfer of Personal Data to a third country, the parties will abide by another adequate transfer mechanism as set out in the data protection laws.

### **13. Changes to the Privacy Statement**

Lucky Orange may revise and update this Privacy Statement at any time and will post the updated Privacy Statement to the Site. If these changes are material (*i.e.*, changes believed to be of importance to you), Lucky Orange will post notice of material changes on the Site. Where required by applicable law, Lucky Orange will obtain your consent. **UNLESS OTHERWISE INDICATED, ANY CHANGES TO THIS PRIVACY STATEMENT SHALL BE EFFECTIVE IMMEDIATELY UPON POSTING TO THE SITE.**

### **14. Contact**

If there are any questions regarding this Privacy Statement you may contact Lucky Orange using the information below:

<http://help.luckyorange.com>  
[privacy@luckyorange.com](mailto:privacy@luckyorange.com)  
8665 W 96th St Suite #100  
Overland Park, KS 66212  
USA