

This website, <https://smithandfifth.com/>, is owned and/or operated by Robert L. Stark Enterprises, Inc. ("Stark Enterprises") and/or its affiliates and/or subsidiaries, including the entities that own Smith & Fifth.

We know that your privacy is important to you, and we work hard to earn and keep your trust. We have created this Policy to let you know what information, including Personal Information, we collect when you use this Site, how we use and share the information we collect, and how we protect your privacy.

If you have any questions about this Policy or our privacy practices, please contact us using the following information:

SMITH & FIFTH

441 Smithfield Rd
Pittsburgh, PA 15222
(216) 464-2860
hello@starkenterprises.com

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Effective Date

June 07, 2021

Your Consent

Please take a few minutes to review this Policy before using this Site. The Site is intended for use by residents of the United States ("U.S.") or non-residents that agree to use the Site in accordance with U.S. laws, our Terms of Use and this Privacy Policy. By using the Site, you further represent and warrant that you (i) are located inside the U.S., or (ii) are located outside the European Union ("EU") and agree to be bound by U.S. laws. You may not use the Site from the EU. Use of and access to the Site is void where prohibited. By using this Site you are consenting to the collection, use, and disclosure of your Personal Information as set forth in this Policy. If you do not agree to be bound by this Policy, you may not access or use this Site.

This Policy is Part of Our Terms of Use

This Policy is part of the Terms of Use that govern your use of this Site. A link to our Terms of Use is provided at the bottom of each page of this Site.

Privacy Notices

This Policy may be supplemented or amended from time to time by "privacy notices" posted on this Site. These Privacy Notices provide a level of detail that we cannot provide in this more general description of our privacy practices. For example, certain pages of this Site may contain Privacy Notices providing details about the information we collect on those pages, why we need that information, and choices you may have about the ways we use that information.

Types of Information We Collect

Information You Manually Provide. Smith & Fifth collects the information you manually provide (using your keyboard, mouse, or touchpad) when you use this Site. For example, we collect the information you submit when you register with this Site, participate in a contest, sign up for our newsletters, comment on a news item, or contact us with questions. Some of the information you manually provide may be Personal Information, such as your name and contact information.

Information From Third-Party Social Media Platforms. You may be able to register with, log on to, or enhance your profile on this Site by choosing to automatically populate the requested data fields with information you previously provided to a third-party social media platform (such as Facebook or Twitter). By doing this, you are asking the third-party platform to send us information, including personal information, from your profile on that platform. We treat that information as we do any other information you give to us when you register, log on, or enhance your profile.

Information Sent to Us by Your Web Browser. We collect information that is sent to us automatically by your web browser or mobile device. This information typically includes your IP address, the identity of your Internet service provider, the name and version of your operating system, the name and version of your browser, the date

and time of your visit, and the pages you visit. The information we receive may depend on your browser or device settings.

The information we receive from your web browser and/or device is not, in and of itself, personally identifiable. Generally, we use this information in the aggregate to help us improve this Site and make it more compatible with the technology used by our visitors. However, we may combine it with other information in an attempt to identify you or we may combine it with information that does identify you. We may also review our server logs for security purposes—for example, to detect intrusions into our network—and we might share our server logs, which contain visitors' IP addresses, with the appropriate investigative authorities who could use that information to trace and identify you.

Information Collected by Cookies and Other Technologies. We use "cookies" and other technologies to collect information and support certain features of this Site. For example, we may use these technologies to:

- collect information about the ways visitors use this Site—which pages they visit, which links they use, and how long they stay on each page;
- support the features and functionality of this Site—for example, to save you the trouble of re-entering information already in our database or to prompt the settings you established on previous visits; and
- personalize your experience when you use this Site.; and
- improve our marketing efforts, including through use of targeted advertising.

The information we collect using cookies and similar technologies is not, in and of itself, personally identifiable, but we may link it to personal information that you provide. If you do not wish to receive cookies, you may set your browser to reject cookies or to alert you when a cookie is placed on your computer. Although you are not required to accept cookies when you visit this Site, you may be unable to use all of the functionality of this Site if your browser rejects our cookies.

Your Location. Using GPS technology, and with your opt-in consent, we may also collect precise, real-time location information from your mobile device and use that information to deliver tailored content through this Site. For example, if we recognize that you are near a particular shopping center, we may send a message to your mobile device letting you know about a sale taking place at that shopping center. We may also share information about your location with your friends and other contacts, to the extent you interact with them using the social networking tools available on this Site. Assuming you have consented to our collection of location information from

your mobile device, our mobile website may collect such information even if you are not logged into it.

Your mobile device may allow you to adjust your settings so that location information is not available to any mobile website or application. If you have questions about the security and privacy settings of your mobile or tablet device, please refer to instructions from your mobile service provider or the manufacturer of your device.

The information we receive from your mobile device is not personally identifiable, but we may link it to information that identifies you.

Third-Party Cookies

In addition to the cookies Smith & Fifth delivers to your computer through this Site, certain third parties may deliver cookies to your computer for a variety of reasons. For example, we use Google Analytics, a web analytics tool that helps us understand how visitors engage with this Site. To learn more about Google Analytics, [click here](#).

Other third parties may deliver cookies to your computer for the purpose of tracking your online behaviors across nonaffiliated Web sites and delivering targeted advertisements either on this Site or on other Web sites.

You have choices about the collection of information by third parties on this Site. For example, if you don't want information about your visit to this Site sent to Google Analytics, you may download an Opt-out Browser Add-on by [clicking here](#). Please note that the Add-on does not prevent information from being sent to Smith & Fifth. In addition, if you would like to opt-out of having interest-based information collected during your visits to this or other sites, please [click here](#). You will be directed to an industry-developed Web site that contains mechanisms for choosing whether each participating entity may collect and use data for online behavioral advertising purposes. It may be that some of the third parties that collect interest-based information on this Site do not participate in the industry-developed opt-out website, in which case the best way to avoid third-party tracking of your online behaviors may be through your browser settings and deletion of cookies.

How We Use Personal Information Collected Through This Site

Generally, we use the Personal Information we collect through this Site

- to provide the information, products and services you request;
- to better understand your needs and interests;
- to provide you with a personalized experience when you use this Site;
- to provide you with effective customer service;
- to improve the content, functionality and usability of this Site;

- to contact you with information and notices related to your use of this Site;
- to contact you with special offers and other information we believe will be of interest to you (in accordance with any preferences you have expressed to us);
- to invite you to participate in surveys and provide feedback to us (in accordance with any preferences you have expressed to us);
- to improve our products and services;
- to improve our marketing and promotional efforts;
- for security, credit or fraud prevention purposes; and
- for any other purpose identified in any other agreement between you and us.

Please see below for information about the choices you have about the ways we use your Personal Information.

Your Choices

In General. We respect your right to make choices about the ways we collect, use, and disclose your information. Discussed above are choices you have about delivery of cookies to your computer through this Site. In addition, we may ask you to indicate your choices at the time and on the page where you provide your information. For example, we may give you choice about the types of email communications you receive from us and/or our business partners. Likewise, before we collect location information from your mobile device, we will ask for your affirmative consent to do so.

Email preferences. You cannot opt out of transactional emails related to your membership/registration with this Site. However, you can opt out of promotional emails we send you. If you wish to stop receiving promotional emails, simply select "unsubscribe" located at the bottom of each communication.

Do Not Track Mechanisms. California law requires this Policy to address how we respond to any "Do-Not-Track ('DNT') signal" delivered by your browser. Because of the changing state of technology and indecision within the industry regarding the meaning of DNT signals, we currently do not make any guarantee that we will honor DNT signals.

Previously Expressed Preferences. You may change previously expressed preferences regarding how we use your information. If you have registered with this Site or downloaded our mobile app, you may be able to change certain privacy preferences through your account settings. Otherwise, if at any time you wish to be taken off our mailing lists, please contact us using the information provided above. Please provide your full name, postal address, and e-mail address so that we can find you on our mailing lists. Once we have the information we need, we will remove you from our mailing lists as you have requested. Please give us a reasonable amount of time to honor your request.

How to Access, Update or Correct Your Personal Information

If you have registered with this Site or downloaded our mobile app, if applicable, you may be able to access, update, or correct your information through your account settings. Otherwise, you may need our help. If you wish to access, update, or correct your information, please contact us using the information provided above. We will respond to you within a reasonable time and, in any case, within the time limits established by applicable law. We may ask you for additional information to verify your identity. In most cases, we will provide access and correct or delete any inaccurate information you discover. In some cases, however, we may limit or deny your request if the law permits or requires us to do so or if we are unable to verify your identity.

Steps We Take to Safeguard your Personal Information

We maintain reasonable administrative, physical, and technological measures to protect the confidentiality and security of Personal Information you submit on or through this Site. Unfortunately, no website, server or database is completely secure or "hacker proof." We therefore cannot guarantee that your Personal Information will not be disclosed, misused or lost by accident or by the unauthorized acts of others.

How We Share Your Personal Information With Others

Stark Enterprises powers this Site and manages the information we collect through this Site. As such, Stark Enterprises helps us with our promotional efforts and conducts surveys related both to this Site and your shopping experiences at Smith & Fifth, among other activities. In addition, we allow Stark Enterprises to use your information for its own marketing purposes. Please note that by registering on this Site, you are also registering with Stark Enterprises.

Other Third-Party Vendors. We may share information collected through this Site with other third-party vendors who act for or on behalf of Smith & Fifth. These third-party vendors may need information about you to perform their functions. However, they are bound by law or contract to protect your Personal Information and, unlike Stark Enterprises, are only allowed to use the Personal Information to perform services on our behalf.

Other Users of this Site. You may be able to submit User-Generated Content ("UGC") on or through this Site. Any Personal Information contained in UGC can be read, collected, or used by others. In addition, we may use UGC you submit for advertising campaigns and other promotions. We may or may not use your name in connection with such use, and we may or may not seek your consent before using the content

for such purposes. Therefore, you should have no expectation of privacy with respect to UGC you submit on or through this Site.

Third-Party Social Media Platforms. We may provide functionality on this Site that allows you to automatically post information about the actions you take on this Site to a third-party social media platform (such as Facebook or Twitter). If you choose to take advantage of this functionality, people with access to your profile on the third-party platform may be able to see the actions you have taken—for example, the items you have purchased. Thus, you should have no expectation of privacy in those actions. Further, if you choose to link your profile on this Site with an account on a third-party social media platform, we may share the information in your profile with that third-party platform.

Other, Carefully Selected Business Partners. From time to time, we may share your information with selected third parties for their own marketing purposes. For example, we may partner with third parties to sponsor contests or other promotions, and we may share with these third parties the information you submit to us to participate in the contest or take advantage of the promotion. Before doing so, however, we may offer you the opportunity to "opt out" or "opt in," as required by applicable law.

Business Transactions. We may decide, for strategic or other reasons, to sell, buy, merge or otherwise reorganize one or more of our businesses. A transaction of this type may involve the disclosure of Personal Information to prospective purchasers. In such cases, we will take reasonable measures to protect the Personal Information we disclose, for example, by requiring the prospective purchaser to sign a non-disclosure agreement limiting the use and protecting the confidentiality of the Personal Information.

Business Transfers. Your Personal Information may be transferred to successor organization if, for example, we transfer the ownership or operation of this Site to another organization or if we merge with another organization. If such a transfer occurs, the successor organization's use of your Personal Information will still be subject to this Policy and the privacy preferences you have expressed to us.

Compliance with Laws and Protection of Our Rights and the Rights of Others. We may disclose your Personal Information when we, in good faith, believe disclosure is appropriate to comply with the law, a court order, or a subpoena. We may also disclose your Personal Information to prevent or investigate a possible crime, such as fraud or identity theft; to protect the security of this Site; to enforce or apply our online Terms of Use or other agreements; or to protect our own rights or property or the rights, property or safety of our users or others.

As Described in a Privacy Notice. We reserve the right to disclose your Personal Information as described in any Privacy Notice posted on the Web page where you

provide that information. By providing your personal information on that Web page you will be consenting to the disclosure of your personal information as described in that Privacy Notice.

Authorized Users

We are proud of this Site and we strive to ensure that it does not offend people of any age. However, this Site is intended for those persons over eighteen (18) not intended for children or minors under the age of thirteen (13) years without the permission of a parent or guardian. If you believe that a child has submitted Personal Information on or through this Site without the consent and supervision of a parent or guardian, please contact us using the information provided above.

Links to Other Sites

This Site contains links to websites operated by other organizations, including websites operated by our third-party service providers and other third parties. This Policy does not apply to Personal Information collected on any of these third-party websites. When you access third-party websites through a link on this Site, please take a few minutes to review the privacy policy posted on that site.

This Policy May Change

This Policy describes Smith & Fifth's current policies and practices with regard to the information we collect through this Site.

We are continually improving and adding to the features and functionality of this Site and the services we offer through this Site. As a result of these changes (or changes in the law), we may need to update or revise this Policy. Accordingly, we reserve the right to update or modify this Policy at any time, without prior notice, by posting the revised version of this Policy behind the link marked "Privacy Policy" at the bottom of each page of this Site. Your continued use of this Site after we have posted the revised Policy constitutes your agreement to be bound by the revised Policy. However, we will honor the terms that were in effect when we gathered data from you.

For your convenience, whenever this Policy is changed, we will alert you by posting a notice on our home page for sixty days. We will also update the "effective date" at the top of this page. If more than sixty days goes by between your visits to this Site, be sure you check the effective date to see if this Policy has been revised since your last visit.

You may access the current version of this Policy at any time by clicking the link marked "Privacy Policy" at the bottom of each page of this Site.

Definitions

The terms "Smith & Fifth," "we," "us," and "our" refer to Stark Enterprises.

The term "Content" refers to all of the software and code comprising or used to operate this Site, and all of the text, photographs, images, illustrations, graphics, sound recordings, video and audio-video clips, and other materials available on this Site, including User-Generated Content.

The term "Feedback" refers to the Content you post on or through this Site that is specifically about how we can improve this Site and the products and services we make available through this Site.

The term "Personal Information" refers to information that identifies you personally, alone or in combination with other information available to us. Examples of Personal Information include your name, address, and e-mail address.

The term "Policy" refers to this online privacy policy.

References to this "Site" refer to the Web site owned by Smith & Fifth and located at <https://www.themarketatestellafalls.com/>.

The term "User-Generated Content" refers to all of the text, photographs, images, illustrations, graphics, sound recordings, video, audio-video clips, and other Content that you post on or through this Site using the social networking tools we make available to you and that does not constitute Feedback. One way that User-Generated Content differs from other information you provide to us is that, once submitted, User-Generated Content is made available instantaneously to others. Examples of User-Generated Content include comments posted to discussion boards or beneath stories available on this Site.