

# PRIVACY POLICY

Last updated February 23, 2024

This privacy notice for Montana Nursery and Landscape Association ("we," "us," or "our"), describes how and why we might collect, store, use, and/or share ("process") your information when you use our services ("Services"), such as when you: Visit our website at <http://www.plantingmontana.com>, or any website of ours that links to this privacy notice. Engage with us in other related ways, including any sales, marketing, or events. Questions or concerns? Reading this privacy notice will help you understand your privacy rights and choices. If you do not agree with our policies and practices, please do not use our Services. If you still have any questions or concerns, please contact us at [info@plantingmontana.com](mailto:info@plantingmontana.com).

## SUMMARY OF KEY POINTS

This summary provides key points from our privacy notice, but you can find out more details about any of these topics by clicking the link following each key point or by using our [table of contents](#) below to find the section you are looking for. What personal information do we process? When you visit, use, or navigate our Services, we may process personal information depending on how you interact with us and the Services, the choices you make, and the products and features you use. Learn more about [personal information you disclose to us](#).

Do we process any sensitive personal information? We do not process sensitive personal information.

Do we receive any information from third parties? We do not receive any information from third parties.

How do we process your information? We process your information to provide, improve, and administer our Services, communicate with you, for security and fraud prevention, and to comply with law. We may also process your information for other purposes with your consent. We process your information only when we have a valid legal reason to do so. Learn more about [how we process your information](#).

In what situations and with which types of parties do we share personal information? We may share information in specific situations and with specific categories of third parties. Learn more about [when and with whom we share your personal information](#).

How do we keep your information safe? We have organizational and technical processes and procedures in place to protect your personal information. However, no electronic transmission over the internet or information storage technology can be guaranteed to be 100% secure, so we cannot promise or guarantee that hackers, cybercriminals, or other unauthorized third parties will not be able to defeat our security and improperly collect, access, steal, or modify your information. Learn more about [how we keep your information safe](#).

What are your rights? Depending on where you are located geographically, the applicable privacy law may mean you have certain rights regarding your personal information. Learn more about [your privacy rights](#).

How do you exercise your rights? The easiest way to exercise your rights is by visiting [info@plantingmontana.com](mailto:info@plantingmontana.com), or by contacting us. We will consider and act upon any request in accordance with applicable data protection laws.

Want to learn more about what we do with any information we collect? [Review the privacy notice in full](#).

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### 1. WHAT INFORMATION DO WE COLLECT?

#### Personal information you disclose to us

In Short: We collect personal information that you provide to us.

We collect personal information that you voluntarily provide to us when you register on the Services, express an interest in obtaining information about us or our products and Services, when you participate in activities on the Services, or otherwise when you contact us.

Personal Information Provided by You. The personal information that we collect depends on the context of your interactions with us and the Services, the choices you make, and the products and features you use. The personal information we collect may include the following:

- names
- phone numbers
- email addresses
- mailing addresses
- job titles
- billing addresses
- debit/credit card numbers
- contact or authentication data
- contact preferences

Sensitive Information. We do not process sensitive information.

Payment Data. We may collect data necessary to process your payment if you make purchases, such as your payment instrument number, and the security code associated with your payment instrument. All payment data is stored by Affinipay. You may find their privacy notice link(s) here:

<https://www.affinipay.com/terms/privacy/>.

All personal information that you provide to us must be true, complete, and accurate, and you must notify us of any changes to such personal information.

#### Information automatically collected

In Short: Some information — such as your Internet Protocol (IP) address and/or browser and device characteristics — is collected automatically when you visit our Services.

We automatically collect certain information when you visit, use, or navigate the Services. This information does not reveal your specific identity (like your name or contact information) but may include device and usage information, such as your IP address, browser and device characteristics, operating system, language preferences, referring URLs, device name, country, location, information about how and when you use our Services, and other technical information. This information is primarily needed to maintain the security and operation of our Services, and for our internal analytics and reporting purposes.

The information we collect includes:

**Log and Usage Data.** Log and usage data is service-related, diagnostic, usage, and performance information our servers automatically collect when you access or use our Services and which we record in log files. Depending on how you interact with us, this log data may include your IP address, device information, browser type, and settings and information about your activity in the Services (such as the date/time stamps associated with your usage, pages and files viewed, searches, and other actions you take such as which features you use), device event information (such as system activity, error reports (sometimes called "crash dumps"), and hardware settings).

**Device Data.** We collect device data such as information about your computer, phone, tablet, or other device you use to access the Services. Depending on the device used, this device data may include information such as your IP address (or proxy server), device and application identification numbers, location, browser type, hardware model, Internet service provider and/or mobile carrier, operating system, and system configuration information.

## 2. HOW DO WE PROCESS YOUR INFORMATION?

In Short: We process your information to provide, improve, and administer our Services, communicate with you, for security and fraud prevention, and to comply with law. We may also process your information for other purposes with your consent. We process your personal information for a variety of reasons, depending on how you interact with our Services, including:

To facilitate account creation and authentication and otherwise manage user accounts. We may process your information so you can create and log in to your account, as well as keep your account in working order.

To deliver and facilitate delivery of services to the user. We may process your information to provide you with the requested service.

To respond to user inquiries/offer support to users. We may process your information to respond to your inquiries and solve any potential issues you might have with the requested service.

To send administrative information to you. We may process your information to send you details about our products and services, changes to our terms and policies, and other similar information.

To fulfill and manage your orders. We may process your information to fulfill and manage your orders, payments, returns, and exchanges made through the Services.

To enable user-to-user communications. We may process your information if you choose to use any of our offerings that allow for communication with another user.

To send you marketing and promotional communications. We may process the personal information you send to us for our marketing purposes, if this is in accordance with your marketing preferences. You can opt out of our marketing emails at any time. For more information, see "[WHAT ARE YOUR PRIVACY RIGHTS?](#)" below.

To deliver targeted advertising to you. We may process your information to develop and display personalized content and advertising tailored to your interests, location, and more.

To evaluate and improve our Services, products, marketing, and your experience. We may process your information when we believe it is necessary to identify usage trends, determine the effectiveness of our promotional campaigns, and to evaluate and improve our Services, products, marketing, and your experience.

## 3. WHAT LEGAL BASES DO WE RELY ON TO PROCESS YOUR INFORMATION?

In Short: We only process your personal information when we believe it is necessary and we have a valid legal reason (i.e., legal basis) to do so under applicable law, like with your consent, to comply with laws, to provide you with services to enter into or fulfill our contractual obligations, to protect your rights, or to fulfill our legitimate business interests.

If you are located in Canada, this section applies to you.

We may process your information if you have given us specific permission (i.e., express consent) to use your personal information for a specific purpose, or in situations where your permission can be inferred (i.e., implied consent). You can [withdraw your consent](#) at any time. In some exceptional cases, we may be legally permitted under applicable law to process your information without your consent, including, for example:

If collection is clearly in the interests of an individual and consent cannot be obtained in a timely way

For investigations and fraud detection and prevention

For business transactions provided certain conditions are met

If it is contained in a witness statement and the collection is necessary to assess, process, or settle an insurance claim

For identifying injured, ill, or deceased persons and communicating with next of kin

If we have reasonable grounds to believe an individual has been, is, or may be victim of financial abuse

If it is reasonable to expect collection and use with consent would compromise the availability or the accuracy of the information and the collection is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province

If disclosure is required to comply with a subpoena, warrant, court order, or rules of the court relating to the production of records

If it was produced by an individual in the course of their employment, business, or profession and the collection is consistent with the purposes for which the information was produced

If the collection is solely for journalistic, artistic, or literary purposes

If the information is publicly available and is specified by the regulations

## 4. WHEN AND WITH WHOM DO WE SHARE YOUR PERSONAL INFORMATION?

In Short: We may share information in specific situations described in this section and/or with the following categories of third parties.

**Vendors, Consultants, and Other Third-Party Service Providers.** We may share your data with third-party vendors, service providers, contractors, or agents ("third parties") who perform services for us or on our behalf and require access to such information to do that work. We have contracts in place with our third parties, which are designed to help safeguard your personal information. This means that they cannot do anything with your personal information unless we have instructed them to do it. They will also not share your personal information with any organization apart from us. They also commit to protect the data they hold on our behalf and to retain it for the period we instruct. The categories of third parties we may share personal information with are as follows:

Affiliate Marketing Programs

Data Analytics Services

Data Storage Service Providers

Finance & Accounting Tools  
Payment Processors  
Website Hosting Service Providers  
User Account Registration & Authentication Services

We also may need to share your personal information in the following situations:

**Business Transfers.** We may share or transfer your information in connection with, or during negotiations of, any merger, sale of company assets, financing, or acquisition of all or a portion of our business to another company. When we use Google Analytics. We may share your information with Google Analytics to track and analyze the use of the Services. To opt out of being tracked by Google Analytics across the Services, visit <https://tools.google.com/dlpage/gaoptout>. For more information on the privacy practices of Google, please visit the [Google Privacy & Terms page](#).

**Affiliates.** We may share your information with our affiliates, in which case we will require those affiliates to honor this privacy notice. Affiliates include our parent company and any subsidiaries, joint venture partners, or other companies that we control or that are under common control with us. **Business Partners.** We may share your information with our business partners to offer you certain products, services, or promotions. **Other Users.** When you share personal information (for example, by posting comments, contributions, or other content to the Services) or otherwise interact with public areas of the Services, such personal information may be viewed by all users and may be publicly made available outside the Services in perpetuity. Similarly, other users will be able to view descriptions of your activity, communicate with you within our Services, and view your profile.

## 5. WHAT IS OUR STANCE ON THIRD-PARTY WEBSITES?

**In Short:** We are not responsible for the safety of any information that you share with third parties that we may link to or who advertise on our Services, but are not affiliated with, our Services. The Services may link to third-party websites, online services, or mobile applications and/or contain advertisements from third parties that are not affiliated with us and which may link to other websites, services, or applications. Accordingly, we do not make any guarantee regarding any such third parties, and we will not be liable for any loss or damage caused by the use of such third-party websites, services, or applications. The inclusion of a link towards a third-party website, service, or application does not imply an endorsement by us. We cannot guarantee the safety and privacy of data you provide to any third parties. Any data collected by third parties is not covered by this privacy notice. We are not responsible for the content or privacy and security practices and policies of any third parties, including other websites, services, or applications that may be linked to or from the Services. You should review the policies of such third parties and contact them directly to respond to your questions.

## 6. HOW LONG DO WE KEEP YOUR INFORMATION?

**In Short:** We keep your information for as long as necessary to fulfill the purposes outlined in this privacy notice unless otherwise required by law. We will only keep your personal information for as long as it is necessary for the purposes set out in this privacy notice, unless a longer retention period is required or permitted by law (such as tax, accounting, or other legal requirements). No purpose in this notice will require us keeping your personal information for longer than the period of time in which users have an account with us. When we have no ongoing legitimate business need to process your personal information, we will either delete or anonymize such information, or, if this is not possible (for example, because your personal information has been stored in backup archives), then we will securely store your personal information and isolate it from any further processing until deletion is possible.

## 7. HOW DO WE KEEP YOUR INFORMATION SAFE?

**In Short:** We aim to protect your personal information through a system of organizational and technical security measures. We have implemented appropriate and reasonable technical and organizational security measures designed to protect the security of any personal information we process. However, despite our safeguards and efforts to secure your information, no electronic transmission over the Internet or information storage technology can be guaranteed to be 100% secure, so we cannot promise or guarantee that hackers, cybercriminals, or other unauthorized third parties will not be able to defeat our security and improperly collect, access, steal, or modify your information. Although we will do our best to protect your personal information, transmission of personal information to and from our Services is at your own risk. You should only access the Services within a secure environment.

## 8. DO WE COLLECT INFORMATION FROM MINORS?

**In Short:** We do not knowingly collect data from or market to children under 18 years of age.

We do not knowingly solicit data from or market to children under 18 years of age. By using the Services, you represent that you are at least 18 or that you are the parent or guardian of such a minor and consent to such minor dependent's use of the Services. If we learn that personal information from users less than 18 years of age has been collected, we will deactivate the account and take reasonable measures to promptly delete such data from our records. If you become aware of any data we may have collected from children under age 18, please contact us at [info@plantingmontana.com](mailto:info@plantingmontana.com).

## 9. WHAT ARE YOUR PRIVACY RIGHTS?

**In Short:** In some regions, such as Canada, you have rights that allow you greater access to and control over your personal information. You may review, change, or terminate your account at any time. In some regions (like Canada), you have certain rights under applicable data protection laws. These may include the right (i) to request access and obtain a copy of your personal information, (ii) to request rectification or erasure; (iii) to restrict the processing of your personal information; (iv) if applicable, to data portability; and (v) not to be subject to automated decision-making. In certain circumstances, you may also have the right to object to the processing of your personal information. You can make such a request by contacting us by using the contact details provided in the section "[HOW CAN YOU CONTACT US ABOUT THIS NOTICE?](#)" below.

We will consider and act upon any request in accordance with applicable data protection laws.

**Withdrawing your consent:** If we are relying on your consent to process your personal information, which may be express and/or implied consent depending on the applicable law, you have the right to withdraw your consent at any time. You can withdraw your consent at any time by contacting us by using the contact details provided in the section "[HOW CAN YOU CONTACT US ABOUT THIS NOTICE?](#)" below.

However, please note that this will not affect the lawfulness of the processing before its withdrawal nor, when applicable law allows, will it affect the processing of your personal information conducted in reliance on lawful processing grounds other than consent. **Opting out of marketing and promotional communications:** You can unsubscribe from our marketing and promotional communications at any time by clicking on the unsubscribe link in the emails that we send, or by contacting us using the details provided in the section "[HOW CAN YOU CONTACT US ABOUT THIS NOTICE?](#)" below. You will then be removed from the marketing lists. However, we may still communicate with you — for example, to send you service-related messages that are necessary for the administration and use of your account, to respond to service requests, or for other non-marketing purposes.

## Account Information

If you would at any time like to review or change the information in your account or terminate your account, you can:

Log in to your account settings and update your user account. Upon your request to terminate your account, we will deactivate or delete your account and information from our active databases. However, we may retain some information in our files to prevent fraud, troubleshoot problems, assist with any

investigations, enforce our legal terms and/or comply with applicable legal requirements. If you have questions or comments about your privacy rights, you may email us at [info@plantingmontana.com](mailto:info@plantingmontana.com).

## 10. CONTROLS FOR DO-NOT-TRACK FEATURES

Most web browsers and some mobile operating systems and mobile applications include a Do-Not-Track ("DNT") feature or setting you can activate to signal your privacy preference not to have data about your online browsing activities monitored and collected. At this stage no uniform technology standard for recognizing and implementing DNT signals has been finalized. As such, we do not currently respond to DNT browser signals or any other mechanism that automatically communicates your choice not to be tracked online. If a standard for online tracking is adopted that we must follow in the future, we will inform you about that practice in a revised version of this privacy notice.

## 11. DO UNITED STATES RESIDENTS HAVE SPECIFIC PRIVACY RIGHTS?

In Short: If you are a resident of Colorado, you are granted specific rights regarding access to your personal information. What categories of personal information do we collect? We have collected the following categories of personal information in the past twelve (12) months:

Category Examples Collected

A. Identifiers

Contact details, such as real name, alias, postal address, telephone or mobile contact number, unique personal identifier, online identifier, Internet Protocol address, email address, and account name

YES

B. Protected classification

characteristics under state or federal law

Gender and date of birth NO

C. Commercial information

Transaction information, purchase history, financial details, and payment information

NO

D. Biometric information Fingerprints and voiceprints NO

E. Internet or other similar

network activity

Browsing history, search history, online behavior, interest data, and interactions with our and other websites, applications, systems, and advertisements

NO

F. Geolocation data Device location NO

G. Audio, electronic, visual, thermal, olfactory, or similar information

Images and audio, video or call recordings created in connection with our business activities

NO

H. Professional or

employment-related information

Business contact details in order to provide you our Services at a business level or job title, work history, and professional qualifications if you apply for a job with us

NO

I. Education Information Student records and directory information NO

J. Inferences drawn from

collected personal information

Inferences drawn from any of the collected personal information listed above to create a profile or summary about, for example, an individual's preferences and characteristics

NO

K. Sensitive personal

Information

NO

We will use and retain the collected personal information as needed to provide the Services or for:

Category A - As long as the user has an account with us

We may also collect other personal information outside of these categories through instances where you interact with us in person, online, or by phone or mail in the context of:

Receiving help through our customer support channels; Participation in customer surveys or contests; and Facilitation in the delivery of our Services and to respond to your inquiries.

How do we use and share your personal information? Learn about how we use your personal information in the section, "[HOW DO WE PROCESS YOUR INFORMATION?](#)"

Will your information be shared with anyone else?

We may disclose your personal information with our service providers pursuant to a written contract between us and each service provider. Learn more about how we disclose personal information to in the section, "[WHEN AND WITH WHOM DO WE SHARE YOUR PERSONAL INFORMATION?](#)" We may use your personal information for our own business purposes, such as for undertaking internal research for technological development and demonstration. This is not considered to be "selling" of your personal information. We have not sold or shared any personal information to third parties for a business or commercial purpose in the preceding twelve (12) months. We have disclosed the following categories of personal information to third parties for a business or commercial purpose in the preceding twelve (12) months:

The categories of third parties to whom we disclosed personal information for a business or commercial purpose can be found under "[WHEN AND WITH WHOM DO WE SHARE YOUR PERSONAL INFORMATION?](#)"

### Colorado Residents

This section applies only to Colorado residents. Under the Colorado Privacy Act (CPA), you have the rights listed below. However, these rights are not absolute, and in certain cases, we may decline your request as permitted by law.

Right to be informed whether or not we are processing your personal data

Right to access your personal data

Right to correct inaccuracies in your personal data

Right to request deletion of your personal data

Right to obtain a copy of the personal data you previously shared with us

Right to opt out of the processing of your personal data if it is used for targeted advertising, the sale of personal data, or profiling in furtherance of decisions that produce legal or similarly significant effects ("profiling")

To submit a request to exercise these rights described above, please email [info@plantingmontana.com](mailto:info@plantingmontana.com) or visit [info@plantingmontana.com](http://info@plantingmontana.com).

If we decline to take action regarding your request and you wish to appeal our decision, please email us at [info@plantingmontana.com](mailto:info@plantingmontana.com). Within forty-five (45) days of receipt of an appeal, we will inform you in writing of any action taken or not taken in response to the appeal, including a written explanation of the reasons for the decisions.

### 12. DO WE MAKE UPDATES TO THIS NOTICE?

In Short: Yes, we will update this notice as necessary to stay compliant with relevant laws. We may update this privacy notice from time to time. The updated version will be indicated by an updated "Revised" date and the updated version will be effective as soon as it is accessible. If we make material changes to this privacy notice, we may notify you either by prominently posting a notice of such changes or by directly sending you a notification. We encourage you to review this privacy notice frequently to be informed of how we are protecting your information.

### 13. HOW CAN YOU CONTACT US ABOUT THIS NOTICE?

If you have questions or comments about this notice, you may email us at [info@plantingmontana.com](mailto:info@plantingmontana.com) or contact us by post at:

Montana Nursery and Landscape Association

PO Box 20353

Billings, MT 59104

United States

### 14. HOW CAN YOU REVIEW, UPDATE, OR DELETE THE DATA WE COLLECT FROM YOU?

Based on the applicable laws of your country, you may have the right to request access to the personal information we collect from you, change that information, or delete it. To request to review, update, or delete your personal information, please visit: [www.plantingmontana.com](http://www.plantingmontana.com).