

Lush Resort LLC (the “Company,” “we,” “our” or “us”) operates the website [www.possumkingdomlushresort.com](http://www.possumkingdomlushresort.com) the “Site”). This privacy policy (the “Privacy Policy”) is intended to assist you in understanding what information we gather when you visit the Site, how we use that information, and the safeguards we have in place to protect the information. This Privacy Policy applies to Lush Resort and this Site and describes our practices in connection with information that we collect through the Site, through the software applications made available by us for use on or through computers and mobile devices (the “Apps”), through social media websites and third-party services such as Expedia or Open Table (“Third Parties”) through which we collect or receive information from or about you, through HTML-formatted email messages that we send to you that link to this Privacy Policy, and through our WiFi network (“WiFi”) (collectively, including the Websites, Third Parties, WiFi and the Apps, the “Services”).

BY CREATING AN ACCOUNT ON THIS SITE OR OTHERWISE USING OR SUBMITTING PERSONAL INFORMATION TO THE SITE, YOU ACKNOWLEDGE THAT YOU HAVE READ AND UNDERSTAND THIS PRIVACY POLICY AND YOU AGREE THAT WE MAY COLLECT, USE, PROCESS, STORE, SHARE AND TRANSFER THE INFORMATION WE COLLECT THROUGH THE SITE IN ACCORDANCE WITH THIS PRIVACY POLICY.

### **THE PERSONAL INFORMATION WE MAY COLLECT**

Personally-identifiable information (“PII”) is information which can be used to establish your identity. This includes information such as your name, your company’s name, address, postal address, website, email address, tax identification number, birthdays, gender, payment information (including credit or debit card information), trade and bank references, and other information about you like a photo you may

submit to the site, social media accounts, information we collect from the use of key cards and other security means and your booking and purchase history. We collect, process and use your PII when you register to create an account or update your account on the Site, provide us with this data in order to book a room, or execute your first order and subsequent orders on the Site, or we have received your PII from our affiliates or promotional partners having a right to share such data with us, as well as to advertise, market and promote the Company's products and services to you. We also use the postal and e-mail addresses you give us to communicate with you about your orders, to update our data records and to maintain your customer accounts with us.

We may use a third-party payment service to process payments you make when purchasing our products or through the Services. If you wish to make a payment through the Services, your PII may be collected by such third party and not by us and will be subject to the third party's privacy policy, rather than this Privacy Policy. We have no control over, and are not responsible for, this third party's collection, use and disclosure of your PII.

If you submit any PII relating to other people to us or to our service providers in connection with the Services, you represent that you have the authority to do so and to permit us to use the information in accordance with this Privacy Policy.

## **HOW WE COLLECT PII**

We and our service providers may collect PII in a variety of ways, including:

- Through the Services: We may collect Personal Information via the Services, for example, when you sign up for our Wi-Fi or make a purchase or booking.

- From Other Sources: We may receive your PII from other sources, such as public databases; joint marketing partners; online travel/restaurant companies; booking engines; social media platforms; people with whom you are friends or otherwise connected on social media platforms; and other third parties. For example, if you choose to connect your social media account to your Website account, certain PII from your social media account will be shared with us, and it may include PII that is part of your profile or your friends' profiles.

## **HOW WE MAY USE PII**

We may use Your PII:

- To respond to your inquiries, fulfill your requests and send administrative information to you, such as sending to you information regarding our Services and any changes to our terms, conditions and policies.
- To complete and fulfill your booking a room or the making of other purchases, including, for example, to process your payment, communicate with you regarding your purchase, provide you with related customer service and to contact you with respect to any billing inquiries.
- To send you marketing materials that may be of interest to you.
- To personalize your experience on the Services by presenting products and offers tailored to you.
- To allow you to participate in sweepstakes, contests and similar promotions and to administer these activities. Some of these activities have additional rules, which could contain additional information about how we use and disclose your PII, so we suggest that you read such rules carefully.
- To facilitate social media sharing functionality.

- For our own business purposes, for example, data analysis; market research; surveys; customer satisfaction; audits; fraud monitoring and prevention; developing new products and services; enhancing, improving or modifying our Services; identifying usage trends; determining the effectiveness of our promotional campaigns and operating and expanding our business activities.
- As we believe to be necessary or appropriate: (a) to comply with applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public and government authorities, including public and government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations or those of any of our affiliates; (f) to protect our rights, privacy, safety or property, and/or that of our affiliates, you or others; and (g) to allow us to pursue available remedies or limit the damages that we may sustain.

## **HOW YOUR PII MAY BE DISCLOSED**

Your PII may be disclosed:

- To our affiliates, which allows us to provide you with information about all of our amenities that may be of interest to you. Any commercial email sent by an affiliate will include an opportunity to opt out of receiving such email messages in the future.
- To our service and partner companies as necessary for the purpose of order processing, customer services, managing and fulfilling orders made through the Site, to monitor and analyze Site activity, and otherwise to operate and maintain the Site. These companies may only use your PII for this purpose and they are also

obliged to comply with all applicable provisions on data privacy. For example, we may use Google Analytics and others to provide analytics.

- To non-affiliated third parties, to permit them to send you marketing communications, if you have opted-in to receive such communications.
- To third-party sponsors of sweepstakes, contests and similar promotions.
- To identify you to anyone to whom you send messages through the Services.
- To your friends associated with your social media account, to other users of the Services and to your social media account provider, in connection with your social sharing activities, such as if you connect your social media account to your Services account or log into your Services account from your social media account. By connecting your Services account and your social media account, you authorize us to share information with your social media account provider, and you understand that the use of the information we share will be governed by the social media site's own privacy policy. If you do not want your PII shared in this way, do not connect your social media account with your Services account, and do not participate in social sharing on the Services.
- In the event that the Company or substantially all of its assets are acquired by another company, or due to any merger, reorganization or liquidation of the Company, your PII will be one of the transferred assets. Your PII will remain subject to any pre-existing privacy policy unless you agree to the privacy policy of the acquirer.
- As we believe to be necessary or appropriate: (a) to comply with applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public and government authorities, including public and government authorities outside your country of residence; (d) to

enforce our terms and conditions; (e) to protect our operations or those of any of our affiliates; (f) to protect our rights, privacy, safety or property, and/or that of our affiliates, you or others; and (g) to allow us to pursue available remedies or limit the damages that we may sustain.

- By you, on message boards, chat, profile pages, blogs and other services to which you are able to post information and materials. Please note that any information you post or disclose through these Services will become public and may be available to other users of the Services and to the general public. We urge you to be very careful when deciding to disclose your PII, or any other information, on the Services.

#### **OTHER INFORMATION WE MAY COLLECT —**

- “Other Information” is any information that does not reveal your specific identity or does not directly relate to an individual, such as browser and device information, App usage data, information collected through cookies, pixel tags and other technologies, demographic information and other information provided by you and aggregated information
- [How We May Collect Other Information / Online Tracking](#)

We and our third party service providers may collect Other Information in a variety of ways, including:

- Through your browser or device: Certain information is collected by most browsers or automatically through your device, such as your Media Access Control (MAC) address, computer type (Windows or Macintosh), screen resolution, operating system name and version, device manufacturer and

model, language, Internet browser type and version and the name and version of the Services (such as the App) you are using. We use this information to ensure that the Services function properly.

- Through your use of the App: When you download and use the App, we and our service providers may track and collect App usage data, such as the date and time the App on your device accesses our servers and what information and files have been downloaded to the App based on your device number.
- Cookies: This Site uses Google Analytics, a web analysis service of Google, Inc. ("Google"). Google Analytics uses "cookies", which are text files stored on your computer, to analyze how you use the Site and which allow your computer to be recognized when you next visit the Site. Google Analytics also uses cookies and other, similar technologies to collect information about use of the Services and reports website trends, without identifying individual visitors. You can learn about Google's practices and opt out of them by going to the Google Analytics opt-out browser on your computer. The information generated by the cookie about your use of this Site (including your IP address) is sent to a Google server and stored there. Google will use this information to evaluate your use of the Site, compile reports on website activity for the website operators and to provide other website activity related internet services. Additionally, Google may transfer this information to a third party when required by law or in the case of a third party processing information on Google's behalf. In no case will Google use your IP Address in connection with any other information held by Google. You can set your internet browser to prohibit the installation of cookies, although we must point out that some features and functions of the Site will then be unusable.

By using this Site, you consent to the processing of data about you collected by Google in the manner described and for the above mentioned purpose. The consent for collection and storage of data can be withdrawn at any time in the future by going to the Google Analytics site. Given the debate concerning the use of analytical tools using full IP addresses, we wish to point out that this Site uses the “Anonomize IP” function of Google Analytics which works with a shortened form of IP addresses to avoid direct personal identification.

In order to be able to place an order on the Site, the security settings on your browser have to permit cookies to be written to your computer.

We require this function to be able to provide a better service and temporarily store products in your shopping cart for you for 24 hours. Furthermore, we use the cookies to carry out frequency assessments, page usage assessments and marketing assessments. For the aforementioned assessments, we utilize this cookie information without a link to your PII, so it is completely anonymous.

You can set your Internet browser up so that you are notified when cookies are stored, you can decide in each individual case whether you want to accept cookies, or you can refuse to accept any cookies. However, if you do not accept cookies, you may be restricted in how you are able to use our Site. You can delete cookies which are already stored on your hard disk at any time. You will find more details on how to do this in the operating guide for your Internet browser program.

If you do not want information collected through the use of cookies, as stated above there is a simple procedure in most browsers that allows you to automatically decline cookies or be given the choice of declining or accepting the transfer to your computer of a particular cookie (or cookies) from a particular site. If, however, you do



not accept our cookies, you may experience some inconvenience in your use of the Services. For example, we may not be able to recognize your computer, so you may need to log in every time you visit. You also may not receive advertising or other offers from us that are relevant to your interests and needs.

Other Utilities We Use to Collect Other Information:

- Pixel tags and other similar technologies: We and our service providers may use pixel tags (also known as web beacons and clear GIFs) in connection with the Services to, among other things, track the actions of users of the Services (including email recipients), measure the success of our marketing campaigns and compile statistics about usage of the Services and response rates.
- Adobe Flash technology (including Flash Local Shared Objects (“Flash LSOs”)) and other similar technologies: We may use Flash LSOs and other technologies to, among other things, collect and store information about your use of the Services. If you do not want Flash LSOs stored on your computer, you can adjust the settings of your Flash player to block Flash LSO storage using the tools contained in the Website Storage Settings Panel. You can also control Flash LSOs by going to the Global Storage Settings Panel and following the instructions (which may include instructions that explain, for example, how to delete existing Flash LSOs (referred to as “information” on the Macromedia site), how to prevent Flash LSOs from being placed on your computer without your being asked, and (for Flash Player 8 and later) how to block Flash LSOs that are not being delivered by the operator of the page you are on at the time). Please note that setting the Flash Player to restrict or limit acceptance of Flash LSOs may reduce or impede the

functionality of some Flash applications, including, potentially, Flash applications used in connection with the Services or our online content.

#### Other Information We Collect:

- **IP Address:** Your “IP Address” is a number that is automatically assigned to your computer by your Internet Service Provider. An IP Address may be identified and logged automatically in our server log files whenever a user accesses the Services, along with the time of the visit and the page(s) visited. Collecting IP Addresses is standard practice and is done automatically by many websites, applications and other services. We use IP Addresses for purposes such as calculating usage levels, helping diagnose server problems and administering the Services.
- **Physical Location:**We may collect the physical location of your device by, for example, using satellite, cell phone tower or WiFi signals. We may use your device’s physical location to provide you with personalized location-based services and content.
- **From you:** Information, such as your gender or preferred means of communication, is collected only when you voluntarily provide it. Unless combined with PII, this information does not personally identify you.
- **By aggregating information:** We may aggregate users’ Personal Information (for example, we may calculate the percentage of our users who have a particular telephone area code). Aggregated Personal Information does not personally identify you or any other user of the Services.

#### **HOW WE MAY USE AND DISCLOSE OTHER INFORMATION**

We may use and disclose Other Information for any purpose, except where we are required to do otherwise under applicable law. If we are required to treat Other Information as PII under applicable law, then we may use it for all the purposes for which we use and disclose Personal Information.

We may combine Other Information with Personal Information. If we do, we will treat the combined information as Personal Information as long as it is combined.

### **THIRD PARTY SERVICES**

We may provide a link to one or more third party websites, for example to provide access to certain social media platforms. If you elect to provide your PII on any such third party website(s), this information will be subject to that third party website's privacy policy and security practices, which may be different from those provided herein. We also are not responsible or liable for the privacy or security policies or practices of such third party websites.

We are not responsible for the information collection, use and disclosure policies and practices (including the data security practices) of other organizations, such as Facebook, Apple, Google, Microsoft, RIM or any other app developer, app provider, social media platform provider, operating system provider, wireless service provider or device manufacturer.

### **SECURITY**

We have implemented commercially reasonable measures designed to secure your PII from accidental loss and from unauthorized access, use, alteration and disclosure. Although we have implemented these security measures for this Site, you should be aware that 100% security is not possible. Therefore, the provision of such information is done at your own risk and, to the greatest extent permitted under applicable law,

we shall have no liability for disclosure of your PII due to any error, omission or unauthorized act of the Company or any third party during or after transmission. If you have reason to believe that your interaction with us is no longer secure, please immediately contact us in accordance with the “Contacting Us” section below.

## **CHOICES AND ACCESS**

- Your Choices Regarding Our Use of Your Personal Information

You may opt out from receiving electronic communications from us. If you no longer want to receive marketing-related emails from us on a going-forward basis, you may opt out of receiving them by following the instructions contained in each such message.

We will try to comply with your request as soon as reasonably practicable. If you opt-out, we may still send you important administrative messages, from which you cannot opt-out.

- How You Can Access, Change or Suppress Your Personal Information

If you have any questions about how your PII is collected, processed and used or you wish to assert your rights of information, correction, blockage, deletion, revocation or objection, please contact us at the contact address given above. For your protection, we may only implement requests with respect to the Personal Information associated with the particular email address that you use to send us your request, and we may need to verify your identity before implementing your request. We will try to comply with your request as soon as reasonably practicable.

Please note that we may need to retain certain information for recordkeeping

purposes and/or to complete any transactions that you began prior to requesting such change or deletion. There may also be residual information that will remain within our databases and other records and which will not be removed.

### **RETENTION PERIOD**

We will retain your Personal Information for the period necessary to fulfill the purposes outlined in this Privacy Policy unless a longer retention period is required or permitted by law.

### **USE OF SERVICES BY MINORS**

The Services are not directed to individuals under the age of thirteen (13), and we request that these individuals do not provide Personal Information through the Services.

### **CROSS-BORDER TRANSFER**

The Services are controlled and operated by us from the United States and are not intended to subject us to the laws or jurisdiction of any state, country or territory other than that of the United States. Your PII may be stored and processed in any country where we have facilities or in which we engage service providers, and, by using the Services, you consent to the transfer of information to countries outside of your country of residence, including the United States, which may have different data protection rules than those of your country.

### **CALIFORNIA PRIVACY RIGHTS**

The California Civil Code Section 1798.83 permits California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make a request please contact us at the address below.

## **SENSITIVE INFORMATION**

We ask that you not send us, and you not disclose, any sensitive PII (e.g., social security numbers, information related to racial or ethnic origin, political opinions, religion or other beliefs, health, biometrics or genetic characteristics, criminal background or trade union membership) on or through the Services or otherwise to us.

## **UPDATES TO THIS PRIVACY POLICY**

We may change this Privacy Policy. The “Last Updated” legend at the bottom of this page indicates when this Privacy Policy was last revised. Any changes will become effective when we post the revised Privacy Policy on the Services. Your use of the Services following these changes means that you accept the revised Privacy Policy.