

Privacy Policy

Effective Date (11/21/2024)

This Privacy Policy describes how The Hershey Company (“**Hershey**,” “**we**,” “**us**,” or “**our**”) collects, uses, discloses, and otherwise processes Personal Data in connection with:

- Our website <http://www.hersheyskissesgift.com/>, and any other websites or online services that link to or display this Privacy Policy (collectively, the “**Website**”); and
- Our other interactions with you.

Collectively, we refer to the above as the “**Services**.”

This Privacy Policy should be read in conjunction with our Cookie & Ads Policy, which is available below, and our Terms of Use, if applicable. Your use of the Website indicates you agree to our collection, use, and disclosure of your Personal Data as described in this Privacy Policy.

As further described in the “How We Use Personal Data” section below, we generally collect and use the above-listed categories of personal information to provide and manage the Services, to support our business, and to achieve other legitimate business or commercial purposes.

We retain each category of personal information that we collect only for as long as necessary for the fulfillment of the purposes for which the personal information was obtained, as described in this Privacy Policy, or for the establishment, exercise, or defense of legal claims, or for legitimate business purposes, as provided by law.

More information, including a description of your legal rights, can be found in the “Your Privacy Choices and Legal Rights” section below.

1. Personal Data We Collect

Depending on how you interact with us and/or the Website, we may collect a variety of information, including Personal Data.

When we use the term “**Personal Data**” in this Privacy Policy, we mean any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

The specific categories of Personal Data we may collect include:

- **Contact Information**, including your name and telephone number.
- **Answers to Secret Questions**, which you set to allow access to your personalized greetings.
- **Images**, which you upload to create your personalized greetings.
- **Device and Browser Information**, including your device type, browser type, operating system name and version, device identifier(s), IP address, and other online identifiers.

- **Geolocation Information**, including your approximate location derived from your device's IP address.
- **Log and Usage Information**, including the date and time you access the Website, the site you came from and/or the site you visit when you leave the Website, the frequency with which you access and use the Website, the pages that you navigate to, links that you click, and other information about your interactions with the Website.

2. How We Collect Personal Data

Depending on how you interact with us, we collect your Personal Data in the following ways:

- **Directly from You.**
 - When you visit and use the Website or otherwise interact with us, we collect Personal Data that you share with us.
- **Through Automated Means.**

When you access and engage with the Website or interact with our online media and content (including advertisements), we automatically collect information about your browser, device, and activity. We (and our partners) may use various tracking technologies (e.g., cookies, pixel tags (or web beacons), etc.) to collect information automatically. The information collected may include details about your behavior on the Website, including how you move and scroll through the Website, your keystrokes, the links you choose to click, and how you interact with forms.

To learn more about our use of cookies and other similar technologies and how you can control them, please review our **Cookie & Ads Policy**.

- **From Third Parties.** We may receive your Personal Data from other sources, as permitted by law, including the following categories of parties:
 - Our service providers.
 - Our business partners, including companies that co-sponsor our promotions.
 - Our analytics and advertising partners and providers, including online advertising networks and analytics providers.

3. How We Use Personal Data

We generally use the Personal Data we collect for purposes associated with the growth, maintenance, and management of our business. Depending on how you interact with us, we may use your Personal Data in the following ways:

- **With Your Consent, to Provide and Manage the Services.** We use your Personal Data to provide, administer, and manage the Website, including to maintain and service accounts (where applicable). We also use Personal Data as otherwise necessary to provide the Services and operate our business.
- **To Process and Fulfill Your Order(s) or a Contract with You.** Where applicable, we use your Personal Data to process and fulfill your orders and requests for our products or services. We may also use your Personal Data to process your returns or inform you of any product recall.

- **To Communicate with You.** We use your Personal Data to communicate with you about your account, your order(s), and/or our relationship; to respond to your submissions, requests, and inquiries; and to request information or feedback from you. We may also use your Personal Data to invite you to and communicate with you about your participation in any promotions, surveys, or other activities administered by us or on our behalf. Additionally, from time to time, we may use your Personal Data to send you important updates and communications about this Privacy Policy, the Website's Terms & Conditions, and/or other applicable terms.
- **To Identify Usage Trends and Make Improvements.** We use your Personal Data to understand how you use the Website and identify usage trends. We also use your Personal Data to identify issues; test new features or changes in our features; and improve the Website, the Services, and our products.
- **To Understand Your Interests and Personalize Your Experience.** We use your Personal Data to help us understand which parts of the Website and/or which of our products are of interest to you. We also use your Personal Data to customize or personalize your experience with us.
- **To Satisfy Our Legal Obligations.** We use your Personal Data to comply with applicable law and respond to lawful requests and communications from law enforcement authorities and other government officials.
- **To Maintain Security and Prevent Fraud.** We use your Personal Data to help monitor and maintain the security and integrity of the Website as well as our systems and networks. Additionally, we use your Personal Data to detect, prevent, investigate, and protect you, our business, and others from fraud; unauthorized transactions; and other malicious, deceptive, illegal, or unsafe activity.
- **To Carry Out Sales and Business Transactions.** We may use your Personal Data in connection with the evaluation, negotiation, and/or completion of a business transaction (e.g., a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets), whether as a going concern or as part of any bankruptcy, liquidation, or similar proceeding, in which Personal Data held by us is among the assets transferred or is otherwise relevant to the evaluation, negotiation, or completion of the transaction.
- **As Otherwise Permitted, Necessary, or Appropriate.** We use your Personal Data as otherwise described in this Privacy Policy or as explained to you at the point of data collection. We will also use your Personal Data at your direction or with your consent. Finally, we will use your Personal Data as we believe necessary or appropriate to protect our rights, privacy, safety, property, and/or those of others, including when or if:
 - The processing is necessary to protect your vitally important interests, including life and health;
 - The processing is necessary to respond to national emergency, to comply with the requirements of public order and safety, or to fulfill functions of public authority that necessarily includes the processing of Personal Data for the fulfillment of its mandate; and

- The processing is necessary for the purposes of the legitimate interests pursued by us as the Personal Data controller or by a third party or parties to whom the Personal Data is disclosed, except where such interests are overridden by your fundamental rights and freedoms which require protection under applicable law.

4. How We Disclose Personal Data

In connection with one or more of the purposes outlined above, we may disclose Personal Data from each of the categories of data described in the “Personal Data We Collect” section above to the following categories of third parties:

- **Our Brands and Affiliates.** We disclose your Personal Data within the Hershey Family of Companies (including our brands and affiliated companies) for our business purposes and to otherwise engage in the activities described in this Privacy Policy.
- **Our Service Providers.** We disclose your Personal Data to third parties who perform services on our behalf. For example, we disclose Personal Data to parties who operate the Website, run promotions, and send emails on our behalf. We may authorize these parties to collect Personal Data on our behalf and disclose certain data to their subcontractors, but only to the extent necessary for them to perform services on our behalf. Our service providers may be located within or outside of your region or legal jurisdictional area and are restricted in their use of the Personal Data they process on our behalf. You can contact us if you want to learn more about how our service providers use your Personal Data.
- **Our Business Partners.** We disclose your Personal Data to other companies with whom we partner as necessary to provide our products and services and carry out other related activities. For example, we will disclose Personal Data to third parties who co-sponsor a promotion with us. We might also disclose Personal Data to third parties who distribute our products. These partners may send you information about events and products by mail or email.
- **Our Licensees.** We will disclose your Personal Data to licensees as appropriate. For example, if we receive a complaint or question from you about Hershey’s licensed products, we will disclose your Personal Data to the relevant licensee so that the licensee can address your question or concern.
- **Our Research Partners.** We disclose your Personal Data to our research partners, including those that perform surveys or research projects in partnership with us or on our behalf.
- **Our Analytics Partners.** We disclose your Personal Data to our partners that assist us in performing analytics and help us measure the effectiveness of the Website’s content and our online and offline marketing and advertising efforts.
- **Competent Governmental and Public Authorities.** We will disclose your Personal Data as necessary pursuant to a court order or subpoena or to cooperate with a government agency or investigatory body request.
- **Relevant Third Parties in Connection with Business Transactions or Reorganizations.** We may take part in or be involved with a corporate business

transaction, such as a merger, sale, joint venture, or any other type of acquisition or business combination of all or a portion of our assets. If another entity acquires us or any of our assets, Personal Data that we have collected may be transferred to such entity and its advisors leading up to and/or following the transaction. In addition, if any bankruptcy or reorganization proceeding is brought by or against us, Personal Data that we hold may be considered an asset of ours and may be sold or transferred to third parties.

- **Other Parties.** We will disclose your Personal Data with other parties at your direction or with your consent. If you are the winner of a sweepstakes or other contest, we may also disclose your Personal Data to anyone who requests a winner's list. Finally, we will disclose your Personal Data to other parties as we believe necessary or appropriate either to: (i) process your Personal Data as needed and related to the fulfillment of a contract with you; (ii) comply with a legal obligation to which we are subject; (iii) protect your vitally important interests, including life and health; (iv) respond to national emergency, comply with the requirements of public order and safety, or fulfill functions of public authority that necessarily includes the processing of Personal Data for the fulfillment of its mandate; or (v) fulfill the legitimate interests pursued by us as the Personal Data controller or by a third party or parties to whom the data is disclosed, except where such interests are overridden by your fundamental rights and freedoms which require protection under applicable law.

We may disclose your Personal Data for other reasons that we will describe at the time of data collection or prior to disclosing your data.

Please note that we may de-identify or aggregate Personal Data so that it will no longer be considered "Personal Data" and disclose such information to other parties for purposes consistent with those described in this Privacy Policy.

5. Your Privacy Choices and Legal Rights

Your Choices

We provide you with the ability to make certain choices about how we use your Personal Data. Additional details are below.

- **Opt Out of Receiving Our Marketing and Promotional Communications.** You can opt out of receiving marketing and promotional communications from us at any time. Note that even if you opt out of receiving marketing and promotional communications from us, you will still receive non-marketing and transactional messages from us (e.g., messages about your account, responses to your inquiries and requests, etc.). To opt out of receiving marketing and promotional communications from us, follow the opt-out link in any marketing or promotional emails that you receive from us.
- **Control Cookies and Other Similar Technologies.** As described in the "How We Collect Personal Data" section above, we (and our partners) use cookies and other similar technologies to collect certain Personal Data automatically. To learn more about our use of cookies and other similar technologies and how to manage them, please read our Cookie & Ads Policy, available below.

Your Legal Rights

You, your heir, or assignee have the right to:

- Be informed whether your Personal Data shall be, is being, or has been processed.
- Obtain the information indicated hereunder before your Personal Data is entered into our processing system(s), or at the next practical opportunity:
 - A description of the Personal Data to be entered into the system;
 - The purposes for which Personal Data is being or are to be processed;
 - The basis of processing;
 - The scope and method of the Personal Data processing;
 - The recipients or classes of recipients to whom Personal Data is or may be disclosed;
 - Methods utilized for automated access, if you allow the same, and the extent to which such access is authorized;
 - The identity and contact details of us as Personal Data controller or our representative;
 - The period of time for which the Personal Data will be stored; and
 - The existence of these rights, and your right to lodge a complaint before the National Privacy Commission.
- Object to the processing of your Personal Data, including processing for direct marketing, automated processing, or profiling.
- Access, upon demand, the following:
 - The contents of your Personal Data that were processed;
 - The sources from which your Personal Data were obtained;
 - The names and addresses of recipients of the Personal Data;
 - The manner by which such Personal Data was processed;
 - The reasons for the disclosure of the Personal Data to recipients, if any;
 - Information on automated processes where the data will or is likely to be the sole basis for any decision that significantly affects or will affect you;
 - The date when your Personal Data was last accessed and modified; and
 - The designation, name or identity, and address of us as the Personal Data controller.
- Dispute the inaccuracy or error in the Personal Data and have us correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable.
- Suspend, withdraw, or order the blocking, removal, or destruction of your Personal Data from our system upon discovery and substantial proof that the Personal Data is incomplete, outdated, false, unlawfully obtained, used for unauthorized purposes, no longer necessary for the purposes for which it was collected, concerns private information that is prejudicial to you; if you withdraw your consent or object to the processing and there is no other legal ground or overriding legitimate interest for the processing; if the processing is unlawful; or if we or our processing has violated your rights.
- Be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained, or unauthorized use of your Personal Data.
- Obtain a copy of your Personal Data in a commonly used electronic or structured format.

How to Exercise Your Legal Rights

You can submit a request to exercise your rights by contacting us at +63 918 8255479.

Please note that we may decline a request where we are unable to verify your identity and confirm the Personal Data we maintain relates to you.

Exercising your rights does not require you to create an account with us.

Authorized Agents

You may authorize someone to submit a request on your behalf (an “authorized agent”). An authorized agent will need to demonstrate that you have authorized them to act on your behalf. Depending on the evidence provided, we may also contact you to verify your identity with us or request confirmation from you that the agent is authorized to submit the request on your behalf.

6. Links to Other Websites

The Website may contain links to third-party websites, plug-ins, applications, or other online services. If you click on a link to a third-party service, you will be taken to a service we do not control and that is not governed by this Privacy Policy. We are not responsible for third parties’ privacy practices. We suggest that you read the privacy policies of every service with which you interact carefully.

7. How Long Do We Retain Your Personal Data

We retain your Personal Data as long as necessary to fulfill the purposes outlined in this Privacy Policy, or unless a longer retention period is required or allowed under law for the establishment, exercise, or defense of legal claims, for legitimate business purposes, or as provided by law.

8. How We Protect Your Personal Data

We use commercially reasonable security measures, including physical, technical, and organizational safeguards to protect your Personal Data from loss, misuse, and unauthorized access, disclosure, modification, and deletion.

However, the Internet is not 100% secure. As a result, like all businesses, we cannot guarantee the security of the Personal Data you provide to us via the Website. We encourage you to use caution when using the Internet. This includes not sharing your passwords.

9. Cross-Border Transfers

As a global organization, we may transfer and/or store Personal Data under our control in the United States and/or other countries where we have facilities or in which we engage service providers. As a result, your Personal Data may be transferred to other countries or regions.

If you live outside of the United States, you understand and agree that we may transfer your Personal Data to the United States. When we transfer your Personal Data outside of your country of residence, we do so in accordance with applicable law and utilize appropriate and necessary mechanisms to ensure your data is protected. However, please note that while outside of the jurisdiction in which you reside, your Personal Data will be subject to applicable laws (including those in the United States), which may not provide the same level of protections for Personal Data as those in your country of residence.

10. Our Legal Basis for Processing Your Personal Data

Below are the legal bases that we rely on to process your Personal Data:

- You have given your **consent** to the processing.
- The processing of your Personal Data is necessary and is related to the **fulfillment of a contract with you** or in order to take steps at your request prior to entering into a contract.
- The processing is necessary for **compliance with a legal obligation** to which we are subject.
- The processing is necessary to **protect your vitally important interests**, including life and health.
- The processing is necessary to **respond to national emergency, to comply with the requirements of public order and safety, or to fulfill functions of public authority** which necessarily includes the processing of personal data for the fulfillment of its mandate.
- The processing is necessary for the purposes of **our legitimate interests** or those of a third party or parties to whom data is disclosed, except where such interests are overridden by your fundamental rights and freedoms which require protection under applicable law.

11. How to Contact Us

If you have any questions or concerns about this Privacy Policy or our data handling and privacy practices or would like to submit a request relating to your Personal Data, please feel free to call us at +63 918 8255479.

12. We May Add Updates to this Privacy Policy

From time to time, we may update this Privacy Policy to reflect changes in our practices with respect to the collection, use, and disclosure of Personal Data and/or changes in applicable law.

The “Last Updated” date at the top of this page indicates when this Privacy Policy was last revised. If we make changes, we will revise the date at the top of this page and, in the case of material changes, we will provide you with additional notice (in accordance with applicable law).

Unless otherwise stated, the current version of this Privacy Policy applies to all Personal Data under our control. We encourage you to review this Privacy Policy periodically to remain informed about our data handling and privacy practices.