

PRIVACY POLICY

Van Doren Waxter (the “Gallery,” “we,” “us,” “our”) is committed to protecting your privacy. This Privacy Policy, describes the information we collect through our website, www.vandorenwaxter.com (the “Site”), how we use and share it, and how you can make choices about our use of that information.

Please Note this Privacy Policy may be amended from time to time, so please check back regularly. By using the Site after we have posted an updated Privacy Policy, you agree to that updated Privacy Policy.

By using the Site, you consent to our collection, use, and sharing of information as described in this Privacy Policy.

Please note that there are certain aspects of this Privacy Policy which only apply when we are required to comply with some jurisdiction-specific laws, for example the EU General Data Protection Regulation (“GDPR”) or the California Consumer Privacy Act (“CCPA”). Where the GDPR applies, the Gallery is a “data controller” of an individual’s personal information.

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1. Information We Collect

Information You Provide to Us

You can browse the Site without submitting any personally identifiable information (“Personal Information”) to us. We collect Personal Information, such as your name, email address, mailing address, and other information, when you voluntarily provide it to us. Below are the most common ways in which you would provide your Personal Information:

- When inquire about an artwork or otherwise use our services

- When you sign up to receive email newsletters and other information from us
- When you register for and/or participate in our programs, activities, initiatives, and events
- When you contact us to request information or assistance
- In conjunction with any other place on the Site where you knowingly volunteer Personal Information

We may also collect and retain:

- Profile information about you, including artworks owned, purchased, requested, and consigned and related invoices;
- Financial information if you purchase an artwork, such as credit card information and bank account details; and
- Information collected from Service Providers (as defined below), for instance, credit history from credit agencies, or other information to verify your identify in order to fulfill our obligations.

Information Automatically Collected

We may also collect information about users when you interact with the Site. This includes the IP address of the device you use to access the Site, the browser type, the time and date of visits to the Site, and the website that referred or linked you to the Site. We may use this information to analyze how visitors use our Site so we can improve the quality of the information and services we provide.

We do not use information automatically collected by the Site to identify visitors individually except in circumstances where we may deem it necessary in connection with legal process or to protect our rights or the rights of a third party as further described below.

Cookies

We or our third-party service providers (“Service Providers”) may collect information through cookies, web beacons, pixel tags, clear gifs or similar technologies, which are small files placed on your computer or device. For example, cookies may anonymously track a user across a web session on the Site. You are not required to accept cookies from the Site. Your web browser allows you to disable the cookies function or delete existing cookies. However, if you disable cookies, you may not be able to access certain features on the Site.

2. How We Use Your Information

We or our Service Providers (as defined below) may use your Personal Information for the following purposes:

- To provide you the services of the Gallery
- To send you information about news, events, or opportunities that we think may be of interest to you
- To comply with applicable laws and regulations
- To respond to inquiries from you and communicate with you

- To ensure and improve the quality of our Site
- To notify you about substantive changes to our privacy practices
- To detect, investigate, and protect against any activities that may violate our policies or the law and to establish, defend against, or enforce any related claims

3. How We Share Your Information

We do not rent or sell your Personal Information to any third parties.

We may share your Personal Information with our Service Providers that help us operate and provide services.

We may use independent contractors or consultants to perform services for the Gallery. These individuals and entities may have access to Personal Information only as needed to perform their functions and are contractually obligated to maintain the confidentiality of any Personal Information collected from the Site.

We also reserve the right to disclose and use Personal Information and other information in special circumstances, including to enforce this Privacy Policy, to comply with legal process or law enforcement, to address actual or suspected illegal activity, to protect our property or rights, to protect the rights and safety of anyone, or for other reasons we determine in good faith are necessary, appropriate, or required by law. If we ever merge with, are acquired by, or otherwise consolidate with another entity, Personal Information may be transferred along with our other assets.

4. Third-Party Web Sites

The Site may contain links to third-party web sites (“Third-Party Sites”). Third-Party Sites may collect information about you when you interact with them through links on our Site. If you follow any link to a Third-Party Site, you should review those sites’ privacy policies to find out how they protect your privacy. We are not responsible for Third-Party Sites or their privacy practices.

5. Communications and Marketing

We may use your Personal Information and other information to provide you with information and updates about certain artworks, our services, events, and activities which we consider may be of interest to you.

In some jurisdictions, such as EU member states, where such communications are direct marketing there are restrictions on how we can do this. Where we contact you with such marketing via email, we will do so where you have requested the same or where you have consented or where we are otherwise allowed to do so by the applicable data privacy law of the jurisdiction in which you are based.

You can always request not to receive communications from us so please let us know by email at Alternately, you can opt out of receiving direct marketing emails from us at any time by clicking the “unsubscribe” link at the bottom of our emails.

6. The Lawful Bases for Processing Personal Information

In order to comply with applicable data protection laws, in particular the GDPR, we are required to rely on one or more lawful bases for the processing of your Personal Information. In accordance with the purposes for which we collect and use your Personal Information, as set out above, the lawful basis for processing your Personal Information will typically be one of the following:

Where you have provided your **consent** for us to use your Personal Information in a certain way (for example, we may ask for your consent to email you with updates about our services, artworks, events and activities which we consider may be of interest to you).

Where necessary so that we can **comply with a legal obligation** to which we are subject (for example, where we are obliged to share your Personal Information with regulatory bodies which govern our work).

Where **necessary for the performance of a contract** to which you are a party or to take steps at your request prior to entering a contract.

Where there is a **legitimate interest** in us doing so. In brief, the GDPR allows us to collect and use your Personal Information if it is reasonably necessary to achieve our or others’ legitimate interests (as long as that processing is fair, balanced and does not unduly impact your rights). In broad terms, our “legitimate interests” means the running of a commercial art gallery and representing artists. Where we use your Personal Information to achieve such legitimate interests, we consider and balance any potential impact on you (both positive and negative), and your rights under data protection laws. We will not use your Personal Information for activities where our interests are overridden by the impact on you, for example where use would be excessively intrusive in the circumstances (unless, for example, we are otherwise required to by law).

7. Your Rights with Respect to Personal Information

Persons located in the EU may have certain rights in relation to their Personal Information under the GDPR. Persons in other jurisdictions may also have certain rights in relation to their Personal Information. We will honor your requests to exercise the following rights to the extent possible and as required under the applicable law:

Right to rectification. If you believe our records of your Personal Information are inaccurate or out of date, you have the right to ask for those records to be corrected / updated. You can also ask us to check the Personal Information we hold about you to check whether it is accurate / up to date.

Right to withdraw consent. Where we rely on your consent to use your Personal Information, you have the right to withdraw that consent at any time. This includes the right to ask us to stop

using your Personal Information for marketing purposes, or to unsubscribe from our email list at any time.

Right of access. You can write to us to ask for confirmation of what Personal Information we hold on you and to request a copy of that Personal Information. Provided we are satisfied that you are entitled to see the Personal Information requested and, where reasonably required, we have successfully confirmed your identity, we will provide you with your Personal Information subject to any exemptions which may apply.

Right to object. You have the right to object to processing where we are (i) processing your Personal Information in reliance on the lawful basis of legitimate interests, (ii) using your Personal Information for direct marketing, or (iii) using your Personal Information for statistical purposes.

Right to erasure. You may request that we erase your personal data. We will comply, unless there is a lawful reason for not doing so. In many cases, we shall use limited Personal Information to suppress further communications with you, rather than delete it entirely, so that we can comply with your preferences.

Right to restrict. You have the right to ask for processing of your Personal Information to be restricted if there is disagreement about its accuracy or legitimate use.

Right to data portability. To the extent required by the GDPR, where we are processing your Personal Information (that you have provided to us) either (i) by relying on your consent or (ii) because such processing is necessary for the performance of a contract to which you are a party or to take steps at your request prior to entering into a contract, and in either case we are processing using automated means (i.e. with no human involvement), you may ask us to provide the Personal Information to you – or another service provider – in a commonly used machine-readable format.

Rights related to automated decision-making. You have the right not to be subject to a decision based solely on automated processing of your Personal Information which produces legal effects on you or similarly significantly affects you, unless such a decision (i) is necessary to enter into / perform a contract between you and us / another organization; (ii) is authorised by the EU or an EU member state law to which Arcus is subject (as long as that law offers you sufficient protection); or (iii) is based on your explicit consent.

Right to lodge a complaint with your local data protection authority. For individuals based in the EU, you also have the right to lodge a complaint with your local data protection authority about how we use your Personal Information. A list of the data protection authorities in each member state, including their contact details, can be found here:http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index_en.htm. For further information, please contact us using the details below.

8. Social Media Services

We use certain third-party online social media services to provide information about our work and activities (like Instagram and Facebook) (“Social Media Services”). When you follow, like, comment, or otherwise engage with us through these Social Media Services, we see the personal data that the Social Media Service generally makes available about its users (that information, “Social Media Information”). For example, when you comment on our post on a Social Media Service, that Social Media Service will commonly attribute your comment to you in a way that others can see (including us). You can check the privacy policy of any Social Media Service for more information on how it collects, uses, and shares data, including the Social Media Service Information that may be provided to us. We will not attempt to re-identify you from information provided by Social Media Services in aggregated or de-identified form.

9. Record Retention

We will keep your Personal Information for as long as we need it, or as otherwise prescribed by law, for the purposes set out in this Privacy Policy.

If you request to receive no further contact from us, we will keep some basic Personal Information about you on our suppression list in order to comply with your request and avoid sending you unwanted communications in the future.

10. Security

We use reasonable efforts to safeguard your Personal Information. All traffic on the Site is encrypted with an SSL/TSL Certificate, including transmission of Personal Information to the Site. Of course, no transmission over the Internet can be guaranteed to be 100% secure, so you provide your Personal Information at your own risk.

11. Location and Transfer of Information

Information collected through the Site will be accessed and processed in the United States. In addition, your information may be transferred outside the United States by our Service Providers with locations in other countries. By using the Site and providing your Personal Information to us, you consent to this transfer and to the collection, storage, processing and use of your Personal Information both within and outside of the United States.

Certain countries have rules relating to the transfer of Personal Information across borders and require us to ensure that Personal Information remains protected according to appropriate standards (for example, EU member states under the GDPR).

If you are an individual based in the EU, please note that some countries outside the EU have a lower standard of protection for Personal Information, including lower security requirements and fewer rights for individuals.

When necessary, we will take all reasonable steps to ensure that we and other recipients of your Personal Information implement appropriate safeguards (such as by entering into contractual clauses obliging us / such recipients to take steps to protect your Personal Information) designed to protect your Personal Information and to ensure that your Personal Information is treated

securely and in accordance with this Policy. If you have any questions about the transfer of your Personal Information, please contact us using the details below.

12. Your Choices Regarding Our Use of Your Personal Information

If you wish to review, update, correct, or remove the information we have for you, please email info@vandorenwaxter.com.

If you no longer wish to receive communications from us, you can also unsubscribe by clicking on the “unsubscribe” button in any email communication you receive from us.

13. Do Not Track (DNT) Requests

Some browsers have incorporated Do Not Track (“DNT”) preferences. As there is not yet an industry-standard DNT protocol on how to interpret DNT signals, we do not honor DNT signals from browsers at this time. However, you may refuse or delete cookies to prevent some tracking activities.

14. Children

We do not knowingly collect information from or about children. If you are a parent or guardian and believe your child under 13 may have provided Personal Information through the Site, please email info@vandorenwaxter.com.

15. Changes to this Privacy Policy

We reserve the right to modify this Privacy Policy from time to time without notice to you. If we make substantial changes to our Privacy Policy, we will notify you. We may update this Privacy Policy by posting a new version on this webpage.

16. Information for California Residents Subject to the California Consumer Privacy Act

The CCPA provides California residents with certain rights regarding their Personal Information.

This section provides the Gallery’s privacy notice for California residents. It supplements the Privacy Policy set forth above.

The Personal Information We Collect

During the preceding 12 months, through the Site and other sources, the Gallery may have collected the categories of information about California residents (including, for example current and former customers) detailed in our Privacy Policy. That collection may have included the following information as set forth in the CCPA:

- Identifiers and certain “Personal Information” as defined in California Civil Code section 1798.80, subsection (e);

- Commercial information, including records of personal property, products or services purchased, obtained, or considered, or other information regarding a consumer’s interaction with the Site;
- Internet or similar network activity; and
- Geolocation data.

Purpose of Collecting Consumer Information – How We Use It

The Gallery uses the information it collects about California residents for the reasons and pursuant to the terms detailed in our Privacy Policy under the headings, “How We Use Your Information” and “How We Share Your Information.” Please read those sections of the Privacy Policy carefully.

How California Residents Can Exercise Their Rights Under the CCPA

California residents have the right to (1) learn about the categories and particular Personal Information the Gallery has collected about them; (2) obtain a copy of their Personal Information that the Gallery has collected; and (3) ask the Gallery to delete their Personal Information. This section explains how to exercise those rights.

Requests For Access To Information Collected About You By the Gallery

If you would like to make a request that the Gallery disclose to you information about our collection or use of your Personal Information, email us at info@vandorenwaxter.com. Please note, the Gallery may need to obtain specific information from you to confirm your identity and to ensure that you have the right to access information and exercise certain rights under the CCPA. As a result, a Gallery representative may contact you to request additional information to verify your identity.

Disclosure of Information

Once your identity is verified, the Gallery will disclose to you the Personal Information you have requested, including:

- The categories of Personal Information about you the Gallery has collected;
- The specific pieces of Personal Information about you the Gallery has collected;
- The categories of sources from which the Gallery collected your Personal Information;
- The Gallery’s business or commercial purpose(s) for collecting your Personal Information;
- The categories of third parties with whom the Gallery shared your Personal Information; and
- If we disclosed Personal Information about you for a business purpose, the categories of information that each category of recipient received.

Deletion of Information

Once your identity is verified, you can request the Gallery to delete the Personal Information we have collected from you. There are certain exceptions and the Gallery reserves the right to deny your request if retaining the information is necessary for the Gallery or our Service Providers to:

- Complete the transaction for which we collected your information, provide a service requested by you, continue the ongoing business relationship with you within the reasonably anticipated context of that relationship, or perform a contract between you and the Gallery;

- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for that activity;
- Debug to identify and repair errors that impair existing intended functionality;
- Exercise free speech, ensure the right of another California resident to exercise his or her right of free speech, or exercise another right provided for by law;
- Comply with the California Electronic Communications Privacy Act;
- Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws;
- Enable solely internal uses that are reasonably aligned with the expectations of you based on your relationship with us;
- Comply with legal obligations;
- Otherwise use your information, internally, in a lawful manner that is compatible with the context in which you provided the information; or
- Provide employment and related benefits.

California Residents' Right to Opt Out or Opt In

California residents have the right to opt out of having their Personal Information sold to third parties. We do not currently sell your information and we have not done so in the preceding 12 months. As described above, we may share your Personal Information with our contractors and Service Providers.

Appointment of Agent to Assist You

You have the right to appoint an agent to make requests under the CCPA to obtain or delete information about you. Such authorization must be done in writing and the Gallery may deny a request if the agent does not submit sufficient proof that you authorized the agent to act on your behalf.

California Residents' Right of Non-Discrimination

The Gallery may not discriminate against a California resident because the resident exercised rights under the CCPA, including, but not limited to, by:

- Denying you goods or services;
- Charging you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties;
- Providing you a different level or quality of goods or services; or
- Suggesting that you will receive a different price or rate for goods or services or a different level or quality of goods or services.

17. Contact Us

For any questions you may have about this Privacy Policy or our data practices please email info@vandorenwaxter.com.

Updated: September 3, 2021