

## Privacy Statement:

(Updated as of February 5, 2008)

Common Media, Inc. (including commonkitchen.com and commonrunning.com) and its affiliates and subsidiaries (collectively "Common Media" or "we" or "us") are committed to maintaining the privacy of the information you share with us. We know you care how your personal information is used and shared, and we appreciate your confidence in us to safeguard it and, only when appropriate, use and share it carefully and responsibly. This notice describes our privacy policies and procedures. By visiting our websites, you accept the practices described in this Privacy Statement.

Please note that our Privacy Statement does not extend to those websites of third parties, such as blogs and other suppliers of information, goods and services, that are neither owned nor operated by us.

### I. Information Gathered by Common Media

Common Media gathers information in order to give you the best experience that we can, to personalize your experience on our websites, and to improve our performance. To those ends, we gather the following types of Information:

Direct Information is information you give to us such as your membership application, ordering information, addresses, contact information, credit card information, and so on. It also includes information you provide in a search, in a contest, blog entry, discussion panels, wish lists, reviews of products, services, or other content. We use this information to fulfill your orders, respond to requests, communicate with you, customize our products, services, and content for your convenience and benefit, improve our offerings and content, and so on.

Automatic Information is information that gets collected without your taking any direct, intentional action to send or give us the information. For example, like many websites, we use "cookies" which allow us to automatically collect information when your Web browser accesses our websites. We can recognize you from visit to visit, track where you travel, and thus glean an understanding of you and your interests. This, in turn, allows us to customize our products, services, and content for your convenience and benefit, improve our offerings and content, and so on. There are various ways in which "cookies" can be disabled or turned off. Your Internet service provider might well have those tools available to you already. While you certainly have the option to disable our "cookie," doing so will diminish the level of customization we can provide to you as well as make certain experiences (such as ordering) a bit more cumbersome. More information on "cookies" is provided below. Examples of this sort of information include, but is not limited to; your email address; password; computer and connection information such as browser type and operating system; transaction history (which we sometimes utilize by aggregating your data with similar data from other visitors/users to use in our Suggestion Engines - but utilized so that your individual information is not identifiable); URL's; the phone number you used to call our 800 number, and so on. We might also gather and measure session information including the actual amount of time spent on certain pages, download errors, and so on.

Email Communications are another source of information. Frequently, your computer will allow us to confirm whether you have opened emails we send to you. We compare customer lists with those of other companies in order to avoid swamping you with duplicate communications. We remind you that you always have the ability to control email and other mail from us by changing your Member Communication Preferences.

Then, there is information we receive from Other Sources. Third parties, including public and private sources, may provide us with information that we try to use to make your experience with us better. As an example, a supplier may inform us as to an issue with an order you placed with them. Other sources may include consumer reporting agencies (to assist in preventing fraud, verifying data accuracy, and compliance with regulations), marketing companies, banks and other financial institutions. Other examples of this sort of information include delivery and address information, account information, and page-view information from some merchants with which we cooperate under business contracts for products and services.

**Affiliated Sites:** We offer some of our services in connection with other web sites. Personal information that you provide to those sites may be sent to us in order to deliver the service. We process such information in accordance with this Policy. The affiliated sites may have different privacy practices, however, and we encourage you to read their privacy policies.

We also share aggregated information in which individuals are not identified. For instance, we might share the number of individuals who visited a certain web page or searched for information on a particular item. This information does not identify the individuals involved.

## II. More about Cookies

Cookies are the nicknames used to describe alphanumeric tags that can identify your browser. We transfer the cookie to your computer's hard drive, and this allows us to recognize and identify you as a specific person. Consider it a name tag that allows us to recall our relationship with you. With the ability to recognize you individually, we can then make sure we address and service your needs personally.

However, we realize that not everyone wants to be identified. If that is the case, look on your browser toolbar for the Help section. Most browsers will have the ability to disable cookies and keep new ones from being attached, if that is what you want.

## III. How Common Media Shares Information With Others

Common Media seeks information in order to provide the best possible service to you, not to sell it to others. Common Media shares information amongst its subsidiary companies and others that either we control or which have privacy practices of at least the same level of protectiveness as ours.

### Others with Which We Share Information:

**Other Businesses/Entities.** We typically have no control over these parties, but we work closely with them. These parties sell their products and services to you through our websites or advertise and bring you onto their websites. These parties might sell their products and services to you in conjunction with us through co-branding or joint offerings.

**Agents.** We hire the services of others to act on our behalf, for instance, fulfilling orders, package delivery, deleting duplicative email communications, analyzing data, providing marketing analysis, processing credit card payments, providing customer service support, creating and managing search capabilities and links (including paid listings and links). These parties are restricted in not being able to use the personal information we provide beyond the direct requirements of the function we hired them for.

**Promotional Offerings.** Third parties may request that we send you offers for goods and services on their behalf. In these instances, we do not share your individual information with them. We also offer you the option not to be included in these promotional offerings. Please see Member Communication Preferences to remove yourself from these Promotional Offerings.

**Business Development.** In the course of the development of our business, we expect to buy or sell stores, companies, and other business units. When this happens, Member Information is usually part of the transaction. However, Information continues to be subject to the terms and conditions of the pre-existing Privacy Statement. In the event that Common Media (or substantially all of its assets), a subsidiary or a division (such as CommonKitchen.com) is acquired by a third party, Information would travel with the transaction.

**Protective and Legal Reasons.** Naturally, we do our best to comply with the law and release Information when such release is appropriate, such as when ordered to by subpoena. We will also release Information in an appropriate fashion in the enforcement or application of our Terms and Conditions of Use and other agreements as well as to protect the rights, property, or safety of Common Media, our visitors, or others. Scenarios which could easily arise include issues arising from fraud protection, credit risk, security or technical issues.

Consent. Lastly, any other disclosure would require your consent before we could share Information with anyone else.

#### IV. Our Security Measures for Your Protection

Security is a primary concern for us as your trust depends on our earning and keeping it. To that end, we follow these general guidelines:

- \* Secure Sockets Layer (SSL) software to encrypt the information you provide during transmission. This technology ensures an encrypted connection between your browser and our server, but we cannot be responsible for information you provide to us through insecure means, e.g. compromised browser software or compromised systems.

- \* Order confirmation using only the last five digits of your credit card. Naturally, we transmit the full credit card number via intermediaries to the financial institution in question in order to process the payment.

- \* Safeguard audits of our protection procedures by outside security firms.

We take reasonable and appropriate security measures to protect against unauthorized access to or unauthorized alteration, disclosure, or destruction of data. We restrict access to personal information to only those who have a need to know that information in order to operate or develop our services or to provide goods and services.

We generally process personal information on servers in the United States of America. In some cases, we process personal information on a server outside your own country. We may process personal information to provide our own services. In some cases, we may process personal information on behalf of and according to the instructions of a third party, such as our advertising partners or a blog site operator.

#### V. Information of Yours That Is Accessible to You

Generally, Information that is accessible to you falls into two broad categories: information pertinent to an order for goods or services, and information that you supply. Both of these categories are accessible to you for updating the information, making changes, etc.

#### VI. Options and Choices Available to You

First, you always have the option not to provide information. However, this might result in your inability to make, or increased difficulty in making, a purchase or utilizing the services, attributes, and features of our websites.

Second, you can add, update, or delete information on portions of your Membership Information. Please note, that we keep records of prior information provided for our files.

Third, you can advise us as to what communications you wish to receive from us by adjusting your Member Communication Preferences. If you choose not to receive notices of changes in Terms and Conditions of Use, Privacy Statement, and other legal notices, then it becomes your responsibility to review them for changes.

Fourth, you can control the use of cookies by using the Help tab/button on your browser's tool bar. Again, doing so might hamper your use of or forbid any use of certain features, attributes, and services available on our websites.

Fifth, some products/services do provide anonymous browsing.

#### VII. Children

Common Media sells some products and services meant for children but sells them only for purchase by adults. If you are under 18 years of age, you may use these websites only with the supervision of a parent or guardian.

## VIII. Safe Harbor

The Safe Harbor program was developed by the U.S. Department of Commerce and the European Union to promote common privacy policies and practices. We have certified that we adhere to those privacy principles. For more information and to see our certifications, please see the Safe Harbor website of the U.S. Department of Commerce. Please feel free to contact us with any questions you might have on this matter at [GeneralCounsel@commonmedia.com](mailto:GeneralCounsel@commonmedia.com).

## IX. Terms and Conditions of Use, Notices, and Revisions

Your visit to and use of our websites and any dispute arising from such (including, but not limited to, disputes about privacy matters) is subject to this Privacy Statement and our Terms and Conditions of Use which include, but are not limited to, limitation on damages, arbitration of disputes, and application of the law of the State of Massachusetts, U.S.A. We will cooperate with the appropriate regulatory authorities, including local data protection authorities, to resolve any complaints regarding the transfer of personal data that cannot be resolved between Common Media and an individual.

We expect our Privacy Statement and the Terms and Conditions of Use to change as our business and the environment in which it operates changes. We archive prior editions of both should you wish to review them.

Unless you have given us instructions not to, we may send you periodic notices of our Privacy Statement, Terms and Conditions of Use, and other notices and matters and revisions to them. We urge you to check the Privacy Statement, Terms and Conditions of Use, and other notices frequently. Unless otherwise stated, our current Privacy Statement applies to all the information we have about you and your account.