



# Privacy Notice

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At Shutterfly, our purpose is to help our customers capture, preserve, and share life's important moments through professional and personal photography, and personalized products. We are equally committed to respecting your privacy.

This Privacy Notice ("Notice") explains how Shutterfly and [our family of brands](#) ("Shutterfly," "we," "our," or "us") collects and uses personal information, and the choices you can make. This Notice applies to your use of Shutterfly.com and our other Shutterfly websites, applications and services that link to this Notice. This Notice also addresses information we collect from you when you schedule an appointment to be photographed by Lifetouch at one of our photography studios or events, when you contact one of our customer service representatives, or when you respond to a survey or enter a contest or sweepstakes that we administer.

Our Sites and Apps may be linked on other websites or may contain links to other websites. Our Privacy Notice only applies to our Sites and Apps, and we are not responsible for the privacy practices, security standards, or content of other sites. You should check the privacy policies of those sites before providing your personal information to them.

We encourage you to read this Privacy Notice in its entirety before using our services. By creating an online account, using our services, or making a purchase with any of our brands, you acknowledge that you have read and agree to this Privacy Notice. Your use of our Sites and Apps is also subject to our [Terms and Conditions](#).

If you are an educator, parent, or student, and Lifetouch is providing school photography services to your school or organization, please see our section titled [For Pre K-12 Educators and Parents](#). This section explains how Lifetouch collects and uses student information for Picture Day, as well as in

connection with websites, applications and online services offered by Lifetouch for the use and benefit of the schools and school districts for their administrative and educational purposes.

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## • **What personal information do we collect? How do we use that information?**

We collect various types of personal information when you register with any of [our family of brands](#) via our websites, mobile sites or mobile applications (our “Sites and Apps”); purchase any products or services from us; schedule an appointment to be photographed; visit or are photographed at one of our offices, studios, or on-site photography locations; contact one of our customer service representatives; register for customer rewards programs; or complete a survey or enter a contest or sweepstakes that we sponsor. This information may be collected directly from you (for example, when you complete our forms or enter your information on our websites to make a purchase) or indirectly through your device or browser when you visit our Sites and Apps.

We use your information to fulfill product orders, to customize and improve the advertising and content you see, to offer suggestions for personalized products based on your content, to deliver marketing communications and promotional materials that you may be interested in, to contact you and provide customer service, to protect the security or integrity of our databases or websites, to detect and prevent fraud or illegal activity, to take precautions against liability, to detect and remediate violations of our Terms of Use or other misuse of our Sites and Apps, to develop and improve our products and services, and for internal operational purposes.

The following chart describes what categories of personal information we may collect, how we collect that information from you, the business purposes for which we generally use such information, and which types of trusted third-party service providers we may share that information with:

Information Type	Source	Purpose	Service Providers
<p><b>Personal Identifiers</b></p> <p>(Customer Name, Postal Address, Phone Number- E-mail Address, Social Media Handle, Age, Gender)</p>	<p>Provided directly by customer</p>	<ul style="list-style-type: none"> <li>·Maintaining and servicing your account</li> <li>·Providing customer service</li> <li>·Processing and fulfilling your orders</li> <li>·Processing payments on your orders</li> <li>·Fulfilling customer rewards</li> <li>·Advertising and marketing our products to you</li> <li>·Detecting security incidents and protecting against malicious, deceptive, fraudulent, or illegal activity</li> </ul>	<ul style="list-style-type: none"> <li>·Product creation and order fulfillment vendors</li> <li>·Customer service providers</li> <li>·Marketing and advertising services</li> <li>·Appointment scheduling services</li> <li>·Surveys, sweepstakes, and contests</li> <li>·Payment and chargeback processors</li> <li>·Mailing and shipping services</li> </ul>
<p><b>Identity Verification Information</b></p>	<p>Provided directly by customer</p>	<ul style="list-style-type: none"> <li>·Identify verification as needed to authenticate status as parent or guardian.</li> </ul>	<ul style="list-style-type: none"> <li>·None</li> </ul>
<p><b>Household Information</b></p> <p>(Family Member names, date of birth and/or age)</p>	<p>Provided directly by customer</p>	<ul style="list-style-type: none"> <li>·Maintaining and servicing your account</li> <li>·Processing and fulfilling your orders</li> <li>·Fulfilling customer rewards</li> </ul>	<ul style="list-style-type: none"> <li>·Product creation and order fulfillment vendors</li> <li>·Appointment scheduling services</li> </ul>
<p><b>User-Generated Content</b></p> <p>(including photos and projects)</p>	<p>Provided directly by customer</p>	<ul style="list-style-type: none"> <li>·Processing and fulfilling your orders</li> <li>·Providing customer service</li> <li>·Providing you customized product recommendations</li> <li>·Helping you tag and organize your photos</li> <li>·Analytics to improve our products and services</li> </ul>	<ul style="list-style-type: none"> <li>·Product creation and order fulfillment vendors</li> <li>·Marketing and advertising service providers</li> </ul>
<p><b>Payment information</b></p> <p>(credit card information, checks)</p>	<p>Provided directly by customer</p>	<ul style="list-style-type: none"> <li>·Processing payments on your orders</li> <li>·Detecting security incidents and protecting against malicious, deceptive, fraudulent, or illegal activity</li> </ul>	<ul style="list-style-type: none"> <li>·Customer service providers</li> <li>·Payment and chargeback processors</li> <li>·Fraud prevention and site security</li> </ul>
<p><b>Commercial Information</b></p> <p>(purchase date, purchase totals, product types)</p>	<p>Provided directly by customer</p>	<ul style="list-style-type: none"> <li>·Providing customer service</li> <li>·Processing and fulfilling your orders</li> <li>·Processing payments on your orders</li> <li>·Analytics to improve our products and services</li> <li>·Advertising and marketing our products to you</li> </ul>	<ul style="list-style-type: none"> <li>·Product creation and order fulfillment vendors</li> <li>·Customer service providers</li> <li>·Payment and chargeback processors</li> </ul>

<p><b>Internet or Electronic Network Activity Information and Geolocation Information</b></p> <p>(IP Address, Cookies, Website Browsing and Interaction Activity, Other Device or Browser Identifiers)</p>	<p>Collected indirectly from customer's browser or device</p>	<ul style="list-style-type: none"> <li>-Enhancing your user experience</li> <li>-Analytics to improve our products and services</li> <li>-Advertising and marketing our products to you</li> <li>-Detecting security incidents and protecting against malicious, deceptive, fraudulent, or illegal activity</li> </ul>	<ul style="list-style-type: none"> <li>-Marketing and advertising service providers</li> <li>-Website performance and analytics vendors</li> <li>-Fraud prevention and site security</li> </ul>
<p><b>Website login credentials</b></p>	<p>Provided directly by customer</p>	<ul style="list-style-type: none"> <li>-Maintaining and servicing your account</li> <li>-Providing customer service</li> <li>-Processing and fulfilling your orders</li> <li>-Detecting security incidents and protecting against malicious, deceptive, fraudulent, or illegal activity</li> </ul>	<p>-None</p>
<p><b>Inferences about customer preferences and characteristics</b></p>	<p>Inferred from information provided by customer, information collected indirectly from customer's browser or device, and information obtained from third-party marketing database partners</p>	<ul style="list-style-type: none"> <li>-Enhancing your user experience</li> <li>-Analytics to improve our products and services</li> <li>-Advertising and marketing our products to you</li> </ul>	<ul style="list-style-type: none"> <li>-Marketing and advertising service providers</li> <li>-Website performance and analytics vendors</li> </ul>

In addition to any personal information that you might provide when you do things like buy our products and services or create an account with our brands, we may also have access to other information about you if you interact with our brands via social media, if you're photographed by Lifetouch, or in certain other situations.

**Social Media**

If you log into your account with any of our brands through a social media site, we will also have access to certain information from that site, such as your name, account information and profile photo, in accordance with the site's account verification procedures. If you subsequently want to unlink your social media account, please contact customer service or use available tools on the site.

If you interact with content on our social media profiles (for example, if you "like" or share a post from one of our brand's Facebook, Twitter, or Instagram accounts), those social media sites may share information about you with us, including your public profile, e-mail address and friend list. If you choose to "like" or share content, information about you may be publicly displayed on the social network, depending on your privacy settings. If you post information on a social media or another third-party service that references our brands or our products and services (e.g., via a Twitter hashtag), we may publish your post on our social

media accounts or websites. For more information about the privacy practices of any social media sites that you may use to log in to your account or to interact with our brands, you should review the privacy Notice of that social media site and check your privacy settings through that site.

### **Information You Provide About Others**

The content you choose to upload to our service, including your photos and the information you store in your address book, may include personal information of others. If you choose to share your photographs or other information with someone else through a feature we offer, we will use the personal information you provide (for example, the e-mail address of the recipient) to fulfill your request and for other purposes described in this Privacy Notice. Before you upload and/or share personal information of others through our service, please ensure that you have the consent of such persons to do so.

### **Other Information Contained in Your Photos**

When you upload your photos to our platforms or give us permission to access the photos stored on your device, your photo content may also include related image information such as the time and the place your photo was taken, tags and similar information stored by your image capture device. For more information, see the section titled [Your Photos](#), below.

### **Professional Photography by Lifetouch**

Lifetouch provides professional photography services to businesses, sports leagues, and other organizations across the United States and Canada. When an organization you (or your child) are affiliated with (for example, your child's sports league, your university, or your employer) engages Lifetouch to photograph you (or your family members), that organization may provide basic roster information about the people who will be photographed to help us facilitate Picture Day and process and fulfill product orders. We limit the information we collect to only what is necessary for Picture Day and other related purposes authorized by your organization (such as creating a yearbook). We collect this basic information to match names to the pictures we take and for efficient distribution within the organization. We may also receive your email or mailing address in order to deliver Picture Day-related communications on behalf of your organization. In those cases, we do not retain or use your contact information for any other purpose unless you become our customer by purchasing our products, or if you opt in to receive updates and promotional offers from us.

We may also collect your information in order to incorporate it into other items that we are providing to your organization. For example, a directory that we produce for your employer or your university may have your contact information or other information about you. Your organization controls how much, or how little, information is used in producing these items, and your organization is solely responsible for obtaining any consents necessary for Lifetouch to provide its services and produce those items. If you have any questions about what information your organization shares with Lifetouch for Picture Day or for use in any products provided to your organization, please contact your organization directly.

If your child's Pre K-12 school engages Lifetouch for school Picture Day, see the section titled **For Pre K-12 Educators and Parents** for more information.

## **Cookies**

We and our service providers collect information about how you use our services – for example what web or mobile pages you have viewed – to analyze trends, generate analytics, provide a better user experience, improve our products and services, detect and prevent fraud or security incidents and gather broad demographic information for aggregate use. Our Sites and Apps use pixel tags, web beacons, and similar tracking technologies (collectively referred to as “Cookies”) that are created when you use our online services and are stored on your computer or mobile device.

Cookies help us offer convenient features like storing the contents of your shopping cart until you are ready to check out, remembering your login and account settings, recognizing your browser when you visit, customizing your current and future visits, and providing you with information about products that interest you. Cookies help us personalize your experience and save time during checkout. We also use the information we collect to compile statistics about our visitors and their use of our site to monitor site traffic, develop marketing programs, and improve our website design and content.

We use the information collected by our third-party service providers using Cookies to analyze and track data, improve our services, determine the popularity of certain content, and better understand our users' online activity. Our service providers may also show you advertisements for our products and services on

other websites, and may combine this information with other information those service providers have gathered about your visits to those other websites so that the advertisements you receive are more likely to be of interest to you.

### **Other Sources**

We may also obtain data that is publicly available or from third party sources, such as address verification services or third-party marketing database partners, to improve the accuracy of and add to what we know about our customers and prospective customers. We may combine this information with your personal information for the purposes described in this Notice. We also may collect information from other companies, organizations, or third-party partners. For example, we may receive information about you from a partner when we jointly offer services or when you elect to link your Shutterfly account with another company's account.

### **Employment**

In addition to information collected from our customers, we and our service providers also collect certain information from candidates who apply for a job with Shutterfly and our family of brands to contact you about your application and evaluate your qualifications for the position, including your name, phone number, e-mail address, postal address, education information, and employment information.

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### **• How long do we retain the personal information we collect about you?**

Shutterfly will retain your information only for as long as is necessary for the purposes set out in this Notice, for as long as your account is active (i.e., for the lifetime of your user account), or as needed to provide the Sites, Apps and associated services (Services) to you. If you no longer want Shutterfly to use your information to provide the Services to you, you may close your account. Shutterfly will retain and use your information to the extent necessary to comply with our legal obligations (for example, if we are required to retain your information to comply with applicable tax laws), resolve disputes, perform and enforce our agreements, and as otherwise described in this Notice.

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## • **How do we share your information with third parties?**

**We do not sell, license or share the personal information we collect with unaffiliated third parties for their marketing purposes. We may share personal information in the following situations.**

### **Service Providers**

We sometimes use third-party service providers to act on our behalf, for example to help us fulfill your product orders, process payments, enhance and personalize your shopping experience with us, or to deliver our advertisements. Our service providers may receive your name and contact information, payment information, photos and other content you upload to our Sites and Apps, information about purchases you've made, cookies and other device identifiers, IP address, and website browsing and interaction activity. These service providers are only allowed to use your information in connection with the specific service they provide on our behalf.

### **Partners and Affiliates**

Shutterfly is part of the [Shutterfly family of companies and brands](#). We may share your information among our corporate affiliates and subsidiaries for purposes described in this Notice. This allows us to offer features such as the ability to use your Shutterfly account credentials across all of our Web properties and applications where available, and to seamlessly add your Lifetouch professional photos to your Shutterfly account. Your membership in other organizations and/or retail membership programs we partner with may entitle you to special offers on our Sites and Apps, in which case we share offer redemption information (which may include your information) with the partner as necessary to fulfill our contractual obligations. We also work with third party retail partners such as JCPenney when we operate professional photography studios within their stores, and if you are photographed in these studios, we will share your information with our retail partner. If Lifetouch photographs you or your child pursuant to a contract with a school, business or other organization you are affiliated with, Lifetouch will share your information with that organization as necessary to fulfill its contractual obligations.

### **Law Enforcement, Mergers, and Other Situations**

We may be required to share your personal information in other, limited circumstances. For example, we may be required to share certain information to respond to a subpoena or similar judicial process, to comply with state, federal or local laws, to protect the security or integrity of our databases or website, to

take precautions against liability, in the event of a corporate reorganization or, to the extent required by law, to provide information to law enforcement agencies. If necessary, we may also share information with law enforcement without a subpoena or similar judicial process if doing so may help protect the personal safety of a customer, a photo subject, or members of the public. We reserve the right to report to the appropriate law enforcement or government agencies any information that we believe may be evidence of criminal activity or violation of any applicable law.

Additionally, your information may be transferred to another organization if, for example, we transfer the ownership or operation of the Sites and Apps because we have merged with or have been acquired by another organization, or if we liquidate our assets. In those cases, the new company's use of your information will still be subject to this Notice and the privacy preferences you have expressed to us.

We may also share Lifetouch school photographs with law enforcement in accordance with our SmileSafe® child safety program. See the section titled **For Pre K-12 Educators and Parents** for more information about the SmileSafe program.

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## • **Does our website collect information from children?**

Our Sites and Apps are intended for use by general audiences and are not targeted directly at children under 16. We will not knowingly collect personally identifiable information from children. If we become aware that a child under the age of 16 has provided personal information through our websites or apps, we will remove their personally identifiable information from our files. If a parent or guardian becomes aware that their child has provided such information through our websites or apps, the parent or guardian should contact us in writing at [legal@shutterfly.com](mailto:legal@shutterfly.com) so that we may respond appropriately.

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## • **What options do you have to limit our collection and use of your personal information?**

You have choices about how your information is collected and used. You can notify us of your preferences when you create an account with us, and if you would like to review, correct or delete your personal information on our Sites and Apps, you can do so via your account settings. There may be times when we are unable to fulfill your request – for example, if providing access to your personal information would reveal confidential commercial or proprietary information or personal information about someone else (and we cannot separate your data), if we are prohibited by law from disclosing the information, or if we have a legal obligation to retain certain data. We may require additional personal information from you for the purposes of verifying your identity and rights.

Some jurisdictions provide additional legal rights, as described in our Supplemental Notices below.

### **Opting out of Marketing Communications**

If you no longer want to receive marketing communications from us, you can unsubscribe by following instructions contained in the messages you receive, by changing your marketing preferences through your Account Settings, or by contacting us through the Contact Us page of any of our brands. We reserve the right to send you certain communications relating to the services we provide, such as service announcements and administrative messages (for example, communications related to a pending order, an unresolved customer service issue, or a Notice update). We do not offer you the ability to opt-out of receiving those communications.

### **Cookie Options**

You have several options to manage cookies and trackers. If you don't want our Sites and Apps to collect information using these technologies, you can change your web browser settings to reject Cookies from the site or to alert you before a cookie is placed on your computer. Each browser is different, so you should check your browser's "Help" menu to learn how to change these preferences. Please note that cookie and tracker-based opt-outs only apply to the specific computer and browser on which the opt-out cookie is applied. If you clear cookies from your device or switch to a different browser, your opt-out will no longer be valid and you will need to opt out again where you want your choices to apply. If you accept a cookies or

tracker, you can delete it at any time through your web browser. If you choose not to accept cookies or trackers used for analytics and site functionality, you will not be able to enjoy all the features available to our registered users

You may also manage the cookies and trackers we use on our Sites and Apps through the settings in our [link to Transcend.io interface]. If you make choices and return to our site from a different browser or machine, you will need to repeat these choices.

The Network Advertising Alliance (“NAI”) and the Digital Advertising Alliance (“DAA”) offer opt-out tools to help you manage your choices for participating companies that use Cookies for Interest-Based Advertising and cross-app advertising. For more information about these tools please visit: [NAI Opt-Out Page](#) and [DAA Opt-Out Page](#). You can also opt out of Google cookies by installing [Google Analytics’ opt-out browser add-on https://tools.google.com/dlpage/gaoptout](#), and/or the [Google Advertising Cookie out-out browser add-on](#).

“Do Not Track” is a preference you can set in your web browser to let the sites you visit know that you do not want them collecting information about you. Our sites do not currently respond to all “Do Not Track” settings; however, we treat Global Privacy Control signals as requests to opt out of the “sale or sharing” of personal information pursuant to the California Privacy Rights Act.

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## • How do we keep your information secure?

Although no website, application, database or system is completely secure or “hacker proof,” we have safeguards in place to protect against unauthorized access and disclosures of the personal information we control, including technical, physical and administrative safeguards and security measures. Despite these measures, however, we cannot guarantee that our information security safeguards will never be compromised.

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## • How do we make updates to this Notice?

As we implement new technology and introduce new services or otherwise change our privacy practices, or in response to changes in applicable laws or regulations, we may modify this Notice and provide notice to you by posting updates on this page. Please check back periodically to view any updates. Changes to our Notice will become effective when posted. If we change this Privacy Notice in a material way, we will endeavor to promptly notify our customers. Your continued use of our websites, mobile applications and/or other services following such notice acknowledges your acceptance of such updated terms.

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## • How can you contact us with questions about your privacy or this Notice?

For further information regarding this website privacy statement or related Shutterfly or Lifetouch policies and procedures, please contact: [privacy@shutterfly.com](mailto:privacy@shutterfly.com).

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## • Your Photos

At Shutterfly and Lifetouch, Pictures are the Big Picture.

### Shutterfly

The photos and other content that you upload to your Shutterfly account (“Your Content”) may include personal information about you or others, and this section of our Privacy Center addresses frequently asked questions about Your Content.

### Do you share the photos that I upload to Shutterfly?

At Shutterfly, we value the trust you place in us when you store Your Content on our platform, and we can assure you that we treat Your Content as private information that belongs to you. We share your photos only in the following circumstances:

- **If you ask us to.** Enabling you to share your photos electronically is one of the key benefits we offer at Shutterfly. You are able to send an email invitation to your selected recipients, and then allow them

to view, save, or purchase products from your pictures. This email invitation contains a link created specifically for your pictures.

- **Order fulfillment.** In order to provide our service, the Shutterfly employees and agents who work to fulfill your order and service your account may see your Content in the course of performing their jobs. Similarly, if you order a product that includes Your Content, we may share Your Content with service providers who help us fulfill your order. These parties are only allowed to use your photos to perform services for Shutterfly, though – they can't use them for any other purpose.

#### **Does Shutterfly use my photos in advertisements?**

No, Shutterfly does not use your photos in our advertisements. Photos you upload to Shutterfly may be incorporated into product recommendations that appear on your Shutterfly homepage or in communications we send to you, but these photos aren't used in public advertising, and only you will receive customized product recommendations made using your photos. You may opt out of receiving such communications from us and change your contact preferences within your account at any time.

#### **Does Shutterfly collect information from my photos and projects? If so, how do you use it?**

- **What we collect.** When you upload your photos to our platform or give us permission to access the photos stored on your device, your photo content may also include related image information such as the time and the place your photo was taken and similar "metadata" captured by your image capture device. If you wish to restrict the capture of image metadata in your individual photos, please adjust the settings on your image capture device.
- **How we use it.** We may analyze your photo content and metadata to help you tag and organize your photos and to make personalized product suggestions to you based on those photos, such as showing you how your pictures may look in a collage or other Shutterfly product. If your photos include information about where they were taken, we may use that data to suggest products to you that include a group of photos taken in the same approximate geographic area. We do not use such data for the purpose of precisely geolocating you or any other person. We may send you reminders and suggestions based on the information you include in your projects, such as birthdays and anniversaries.
- **Face grouping.** As you add new photos, we automatically associate similar faces (if you have the face grouping feature enabled), places and other image characteristics within your photo collection. If you have the face grouping feature enabled, when you upload photos of yourself, friends, family or others, we create a numerical representation of the faces detected in your photos and automatically

group similar faces together. We only use this feature to help you organize, tag and create personalized products from your own photos. We never attempt to determine whether any similar faces appear in photos uploaded by different Shutterfly users or otherwise identify the people in your photos. We do not sell or share this information with third parties. And we won't suggest any tags for your own photos except the ones that you choose to create for your own face groups. You may disable this feature through your account settings at any time. If you do so, we will delete any facial grouping data associated with your photos from our servers and will not collect such information going forward; if you use the Shutterfly App on a mobile device, face grouping data is stored on your device, and will be deleted the next time you sign into the App. If your account information indicates that you are a resident of Illinois, we will delete face grouping data when it has been more than three years since your last interaction with Shutterfly. If you have face grouping enabled, you are representing to us that you have obtained consent for the feature from the people who appear in your photos or, if they are under the age of 18, from their parent or legal guardian.

#### **How long does Shutterfly keep my photos? What are my options?**

If you have a Shutterfly account, you control how long it remains active. Shutterfly will retain your photos for as long as you maintain Active Participation with us. See <https://www.shutterfly.com/photo-storage/> for more details. You also have the ability to download and/or delete some or all of the photos in your account at any time. If you delete Shutterfly photos from your account, they will be removed from your Shutterfly app and web interface immediately, and we will permanently delete them from our system in the regular course of business.

#### **Lifetouch Professional Photography**

The following frequently asked questions relate to Lifetouch professional photographs taken in portrait studios, schools, businesses and other organizations that Lifetouch serves.

#### **Does Lifetouch use pictures of customers in advertisements?**

Not without permission of the photo subject. Lifetouch is proud of its work as a professional photographer, and from time to time we request permission from our customers to display their photos as samples of our work. Lifetouch does not use its customers' photographs in marketing or advertising materials to third parties without first obtaining a photo release from the photo subject (or, in the case of a minor, the photo subject's parent or legal representative).

### **Does Lifetouch share my child's school photos with my child's school?**

Yes – schools and preschools across the United States and Canada entrust Lifetouch to photograph students and staff as part of the time-honored tradition of Picture Day. Lifetouch provides those photos to the school for use in the school yearbook, student IDs, classroom seating charts and other school-related purposes. Lifetouch also offers the photographs for purchase by parents.

### **How long does Lifetouch keep photos? What are my options?**

When Lifetouch is engaged by a school or other organization as its official photographer, the photos we capture for that organization are deleted in the ordinary course of business within a reasonable time after we have fulfilled our contractual obligations, with the exception of photos associated with customers who elect to purchase from us (Lifetouch Customers). If you are a Lifetouch Customer, our goal is to make the photos we create available to you for years to come, and we will endeavor to retain a digital copy of one or more of your current and future school photos for you to claim and archive in your Shutterfly account for as long as that account remains active. See <https://www.shutterfly.com/photo-storage/> for more details. For example, if you purchase your child's first grade school photo, and Lifetouch photographs your child the following year, we may associate that photo with you and make the digital image available to you to purchase and store in your Shutterfly account.

If you wish, you can take steps to have your photos deleted from our systems earlier, by contacting us at (800) 736-4753. We may require certain information from you to validate your request before deletion. Please be aware, however, that Lifetouch may deny your request and retain your photos under certain limited circumstances – for example, if we have a contractual commitment to a school or other organization you are affiliated with (such as providing yearbook photos or the yearbook itself), if doing so would violate a law or court order, or if it would be unreasonably burdensome. Also, please be aware that, if you shared your photo with other purchasers, your photo deletion request will not affect any photos retained in others' photo libraries or those purchasers' archiving preferences.

### **Do I need a Shutterfly account to purchase school photos?**

No. You may purchase traditional printed school photos from Lifetouch for delivery to you through your child's school. However, if you purchase a digital image or are eligible to receive a digital image through a

promotion or loyalty program, you will need a Shutterfly account to claim such digital images. As a part of the Shutterfly family of brands, Lifetouch delivers all digital images to customers via the Shutterfly.com secure photo platform.

### **What is the SmileSafe® – A Lifetouch Program child safety program?**

Lifetouch provides complimentary SmileSafe photo ID cards to the families of each Pre K-12 student photographed in participating schools, at no extra cost and regardless of whether the family has purchased photographs. We work in collaboration with the National Center for Missing and Exploited Children (NCMEC), the United States' leading experts in child protection. If a child is missing, the parent or guardian of that child can request through NCMEC that a Lifetouch photograph of their child be provided to aid search efforts. Lifetouch does not share its photographs with law enforcement unless a parent or guardian has expressly requested us do so in accordance with our SmileSafe child safety program or on an exceptional basis pursuant to legal process. Lifetouch will respond on a 24/7 basis to aid search efforts. As of the date this Notice was last updated, Lifetouch has assisted with more than 2,000 searches and has contributed to the successful recovery of 56 children from 24 states as a direct result of the SmileSafe child safety program. [Click here](#) for more information about this exceptional child safety program.

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### **• For PreK-12 Educators and Parents**

Since 1936, Lifetouch has been a trusted provider of school services, providing photography services to schools and families across the United States and Canada. Lifetouch photographs children by agreement with the schools we work with. We offer time-honored Picture Day products to the families of children we photograph while fulfilling a necessary role at no charge to the school.

In preparation for Picture Day, Lifetouch requires certain basic information from your child's school record, such as name, grade and homeroom teacher name. Below are a number of Frequently Asked Questions ("FAQs") regarding the basic information that Lifetouch needs in order to provide its photography services. These FAQs are intended to provide answers to questions that you may have about Lifetouch's use of such information and to demonstrate Lifetouch's commitment to your child's privacy and security.

### **What student personal data does Lifetouch receive from schools?**

The information we need for Picture Day depends upon the specific services and deliverables Lifetouch is providing your school. We limit the information we collect to only that which is necessary for Picture Day and related authorized school purposes. We collect the basic information in advance of Picture Day to match names to the pictures we take and for efficient distribution within the school. We may receive your email or mailing address in order to deliver Picture Day-related communications on behalf of the school. In such cases, we do not retain or use your contact information for any other purpose unless you opt in to receive updates and promotional offers from us.

In addition, the information may be incorporated into other items that we are providing to your school. For example, if Lifetouch is producing student ID cards, we need the student ID number to do the job. Our yearbook image product includes images of students sorted by name, grade and other classifying data per your school's requirements. Schools ultimately decide how much, or how little, information is used in producing School Service Items. Lifetouch never has access to sensitive information, such as grades or attendance data, from your child's record.

### **How does Lifetouch use the information it receives from schools?**

As part of our agreement with your child's school, Lifetouch provides various services that support the school's administrative needs, which may include student ID cards for lunch, library and transportation purposes and digital images for the school to use for student recognition, awards, teacher tools, yearbooks, memory books and class composites. These services are provided throughout the school year. Lifetouch uses the basic information that it collects solely as necessary to produce such items for the school, to deliver Picture Day-related notices on behalf of your school, and to provide you opportunities to purchase your child's school pictures.

**\*\*Lifetouch does not sell, trade or share student data collected from your child's school with third parties for their marketing purposes, nor do we use such data in ways that are unrelated to the purposes authorized by the school. Lifetouch will never sell student photos or yearbooks to a third party for resale.\*\***

Lifetouch retains the basic information it collects from schools only as necessary and permissible to promote the sale of school pictures to parents, to retrieve the images to supply picture orders and to

support the school for an approved administrative purpose. Once such data is no longer needed for such purposes, it is securely destroyed. While retained, it remains under Lifetouch's control and treated as confidential information.

### **What are my options as a parent?**

In its role as official school photographer, Lifetouch photographs all students who appear at the camera on Picture Day, and we rely on your child's school or district to obtain any parental consents necessary for us to do the work they engaged us for. Our photographers reasonably presume that they are permitted to photograph each individual who appears at the camera for that purpose. If you are a parent who does not want your child to participate in your school's Picture Day, you must pre-arrange with the school not to have your child photographed.

Lifetouch acknowledges its obligations as a service provider to your school for student and staff photography pursuant to the federal Family Educational Rights and Privacy Act ("FERPA"). Your school retains the authority to control Lifetouch's use of the information it provides to Lifetouch and to require its return or destruction at any time. We will honor a parent's image deletion request, subject to verification and authorization of the school when deletion would impact our ability to deliver an item or service requested by the school.

If you choose to purchase your child's school photos from Lifetouch, the personal information you provide to us will be treated as customer information and used as described in our Privacy Notice. Unless purchased by a parent (or by someone with whom the parent has shared the photo), however, we retain school photos only as long as necessary to satisfy our obligations to the schools we serve.

### **Note to Schools and Parents about Lifetouch Pre K-12 Applications**

Some Lifetouch-provided websites, applications and online services are designed for the use and benefit of the schools and school districts for administrative and educational purposes and used by or at the direction of teachers or other school or district employees (each a "Lifetouch K-12 Application"). Lifetouch Pre K-12 Applications include the Lifetouch Portal™ for school administrators and our Lifetouch Yearbooks applications and online tools.

With respect to Lifetouch Pre K-12 Applications, Lifetouch will:

- not collect or use student personal data beyond what is needed for authorized school purposes;
- not sell or rent student personal data;
- not use or share student personal data for advertising or similar commercial purposes, such as behavioral targeting of advertisements to students;
- not build a personal profile of a student, other than for supporting authorized educational or school purposes or as authorized by the parent, guardian, or student of appropriate age;
- require that our vendors with whom student personal data is shared to deliver the school service, if any, are obligated to implement these same commitments for student personal data.

If you are an authorized user of a Lifetouch Pre K-12 Application, please refer to the Terms of Service linked to from that service or contact us through your Lifetouch school account representative for further information. A school, through its authorized representative, may elect to allow students to contribute to the school yearbook using a Lifetouch Yearbooks application. In accordance with the Federal Children's Online Privacy Protection Act of 1998 (COPPA, 15 U.S.C. § 6501 et seq.), we will never knowingly solicit, nor will we accept, personally identifiable information from users known to be under thirteen (13) years of age without the consent of their educational institution or the child's parent or guardian.