

SMS TEXTING PRIVACY POLICY & TERMS OF SERVICE

The Cigar Cellar

PRIVACY POLICY

1. OVERVIEW

This SMS Texting Privacy Policy governs the collection, use, and disclosure of personal information when you opt-in to receive text messages from The Cigar Cellar. By providing your mobile phone number and consenting to receive SMS messages, you agree to the terms outlined in this policy.

2. INFORMATION WE COLLECT

When you subscribe to our SMS services, we collect:

- Your mobile phone number
- Your name (if provided)
- Your consent preferences
- Message delivery and engagement data
- Device and carrier information

3. HOW WE USE YOUR INFORMATION

We use your information to:

- Send promotional messages about cigars, tobacco products, and special offers
- Provide order updates and delivery notifications
- Send event invitations and store announcements
- Improve our SMS marketing effectiveness
- Comply with legal and regulatory requirements

4. CIGAR RETAIL SPECIFIC CONSIDERATIONS

As a cigar retailer, The Cigar Cellar operates under specific regulations:

- We verify that SMS recipients are 21 years of age or older
- We comply with all applicable tobacco advertising regulations
- We respect local and state laws regarding tobacco marketing
- We maintain records as required by tobacco control authorities

5. DATA SHARING

We do not sell your personal information. We may share your data with:

- SMS service providers who help deliver messages
- Analytics providers for improving our services
- Legal authorities when required by law
- Business partners only with your explicit consent

6. DATA SECURITY

We implement appropriate technical and organizational measures to protect your personal information, including:

- Secure data transmission protocols
- Regular security assessments
- Access controls and employee training
- Secure data storage practices

7. RETENTION POLICY

We retain your SMS data for:

- Active subscribers: Until you opt-out plus 30 days
- Opt-out records: 3 years for compliance purposes
- Analytics data: 2 years in aggregated, non-identifiable form

8. YOUR PRIVACY RIGHTS

You have the right to:

- Access your personal information we hold
- Request correction of inaccurate information
- Request deletion of your data (subject to legal requirements)
- Object to processing of your data
- Receive a copy of your data in a portable format

TERMS OF SERVICE

1. ACCEPTANCE OF TERMS

By providing your mobile phone number to The Cigar Cellar and opting-in to receive SMS messages, you agree to be bound by these Terms of Service. If you do not agree to these terms, do not subscribe to our SMS services.

2. SERVICE DESCRIPTION

The Cigar Cellar offers SMS messaging services to provide:

- Product promotions and special offers on cigars and tobacco products
- New arrival notifications and inventory updates
- Event announcements and store hours updates
- Order confirmations and delivery notifications
- Exclusive member benefits and loyalty program updates

3. ELIGIBILITY AND AGE REQUIREMENTS

To subscribe to our SMS services, you must:

- Be at least 21 years of age
- Provide a valid mobile phone number
- Have the authority to agree to receive SMS messages on the provided number
- Comply with all applicable local, state, and federal tobacco laws

4. CONSENT AND SUBSCRIPTION

- Subscription is voluntary and requires explicit opt-in consent
- You may receive up to 5 messages per week, unless otherwise specified
- Message frequency may vary based on promotions and seasonal events
- You can modify your subscription preferences by contacting us directly
- Consent is not required as a condition of purchase

5. OPT-OUT PROCEDURES

You may opt-out of SMS messages at any time by:

- Texting STOP to our SMS number
- Calling The Cigar Cellar directly
- Visiting our store location
- Emailing us at [your email address]

Upon opting out:

- You will receive a confirmation message
- All future SMS messages will cease within 24 hours
- You may still receive transactional messages related to existing orders

6. MESSAGING COSTS AND CHARGES

- Standard message and data rates apply
- The Cigar Cellar is not responsible for carrier charges
- Contact your mobile carrier for information about your messaging plan
- Messages may be delivered via various short codes or phone numbers

7. PROHIBITED USES

You agree not to:

- Share our SMS content for commercial purposes without permission
- Forward promotional messages that may violate age restrictions
- Use our SMS service to distribute unauthorized content
- Attempt to interfere with or disrupt our messaging systems
- Provide false information during subscription

8. MESSAGE CONTENT AND ACCURACY

- SMS messages are for informational and promotional purposes
- Product availability and pricing are subject to change
- Promotions may have limited time frames or quantity restrictions
- The Cigar Cellar reserves the right to modify or cancel offers
- Messages may contain links to our website for additional information

9. LIABILITY LIMITATIONS

The Cigar Cellar shall not be liable for:

- Delayed or failed message delivery due to carrier issues

- Charges incurred from your mobile carrier
- Any damages resulting from SMS content or delivery
- Technical malfunctions or system downtime
- Unauthorized access to your mobile device

10. INDEMNIFICATION

You agree to indemnify and hold The Cigar Cellar harmless from any claims, damages, or expenses arising from:

- Your violation of these terms
- Your misuse of our SMS services
- False information provided during subscription
- Any illegal activity related to our SMS communications

11. MODIFICATIONS TO TERMS

The Cigar Cellar reserves the right to modify these terms at any time:

- Changes will be communicated via SMS to active subscribers
- Continued subscription after notification constitutes acceptance
- Material changes will require new opt-in consent
- You may opt-out if you disagree with modifications

12. TERMINATION

The Cigar Cellar may terminate SMS services:

- For violation of these terms
- If your mobile number becomes invalid
- For technical or business reasons
- As required by law or regulation

13. GOVERNING LAW

These terms are governed by the laws of [Your State], without regard to conflict of law provisions. Any disputes shall be resolved in the courts of [Your County], [Your State].

14. CONTACT INFORMATION

For questions about this Privacy Policy & Terms of Service or to exercise your rights:

The Cigar Cellar
2500 Cobb Pkwy Nw, Suite B3
Kennesaw, GA 30152
+1 (470) 785-4941
thecigarcellarkennesaw@gmail.com

15. SMS Support:

- To opt-out: Text STOP to [Your SMS Number]
- For help: Text HELP to [Your SMS Number]

16. COMPLIANCE

This policy and terms comply with:

- Telephone Consumer Protection Act (TCPA)
- CAN-SPAM Act
- Federal Trade Commission guidelines
- FDA Tobacco Regulations
- State tobacco advertising regulations
- CTIA Messaging Principles and Best Practices

Last Updated: 11/18/2025

DISCLAIMER

This privacy policy and terms template is provided for informational purposes. The Cigar Cellar should consult with legal counsel to ensure compliance with all applicable federal, state, and local laws regarding SMS marketing and tobacco retail regulations.