

PRIVACY POLICY

Tres Carnes (“we,” “our,” or “us,”) respects and is committed to protecting your privacy. That is why we have adopted this Privacy Policy. This Privacy Policy lets you know how and for what purposes we are collecting, processing, and using your Personal Information (as defined herein). We pledge that we will take reasonable steps to ensure that your Personal Information will only be used in ways that are in compliance with this Privacy Policy.

This Privacy Policy is in effect for any web page, mobile application, third party social media site, generic information, and Personal Information collected and/or owned by us, no matter the method of collection (e.g., mail, facsimile, sign-up/sign-in page, survey), including collection through this website and any online features, services, and/or programs we offer (collectively, the “Web Properties”). Notwithstanding the foregoing, this Privacy Policy is not applicable to any other web page, mobile application, social media site, generic information, or Personal Information collected and/or owned by any entity other than Tres Carnes. Users of the foregoing resources of entities other than Tres Carnes should refer to the Privacy Policy in effect for the applicable owner.

If you choose to use the LevelUp service as a payment method for our products, you will be subject to the terms and conditions and privacy policy of LevelUp, each of which can be found at the LevelUp website located at www.thelevelup.com. By using the LevelUp service, you agreed that we may receive certain of your Personal Information or generic information. Our use of your Personal Information and/or generic information shall be as permitted in our capacity as a partner of LevelUp and in a manner consistent with this Privacy Policy.

This Privacy Policy also applies to information collected by or for us through a means other than the Web Properties. If the same information is collected through the Web Properties and through a means other than the Web Properties (e.g., an in-store promotion), the terms of this Privacy Policy shall apply.

Types of Information Collected

The types of Personal Information we may collect include, among other things (collectively, “Personal Information”): (1) contact information (e.g., name, address, phone number, email address); (2) demographic information (e.g., date of birth, gender, marital status); (3) Internet protocol (or IP) address, protocol and sequence information; browser language; browser type; domain name system requests; browsing history (including time spent at a domain, time and date of your visit); number of clicks; hypertext transfer protocol headers; application client and server banners; and operating system fingerprinting data (collectively,

“Browsing Information”); (4) MAC address, device ID/UDID, or similar device-specific code used for advertising/marketing tracking purposes; (5) bank account and credit/debit card numbers; (6) dietary information, favorite orders, and preferences; (7) purchase information regarding our menu items; and (8) your physical location.

How Information Is Collected

We may collect Personal Information about you from the following sources:

- information we receive from you, or on your behalf, through applications, surveys or other forms;
- information we receive from you through the Web Properties, such as when creating an account, placing an order, using our mobile application;
- information we receive from your computer or mobile device;
- information we receive from our partners or service providers, such as from LevelUp or parties that administer our online ordering system. We may sponsor competitions and/or promotions through the Web Properties. Your participation is entirely voluntary. You may be asked to provide personally identifiable information including, but not limited to, your name, email address or home address or to answer questions in order to participate. We may also transfer Personal Information to certain advertising or marketing partners from whom you have requested to receive information.

Additional Ways that Information is Collected Through the Web Properties

Browser Log Files: Our servers automatically log each visitor to the Web Properties and collect and record certain Browsing Information about each visitor. The Browsing Information reveals nothing personal about the user and includes only the generic information described in the definition of “Browsing Information.”

Cookies: From time to time, we and/or our advertisers or other third parties may send a “cookie” to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer’s hard drive and that can be re-sent to the serving website on subsequent visits. A cookie, by itself, cannot read other data from your hard disk or read other cookie files already on your computer. A cookie, by itself, does not damage your system. We, our advertisers and other third parties may use cookies to identify and keep track of,

among other things, those areas of the Web Properties and third party websites that you have visited in the past in order to enhance your next visit to the Web Properties. You can choose whether or not to accept cookies by changing the settings of your Internet browser, but some functionality of the Web Properties may be impaired or not function as intended if you choose not to accept cookies. See the Third Party Opt Out section below.

Web Beacons: Some of our web pages and electronic communications may contain images, which may or may not be visible to you, known as Web Beacons (sometimes referred to as “clear gifs”). Web Beacons collect only limited information that includes a cookie number; time and date of a page view; and a description of the page on which the Web Beacon resides. We may also carry Web Beacons placed by third party advertisers. These Web Beacons do not carry any Personal Information and are only used to track usage of the Web Properties and activities associated with the Web Properties. See the Third Party Opt Out section below.

Geolocation: Our mobile applications may request your physical location for purposes of locating a store near you, offering you discounts or delivering other messages when you are in a certain proximity of a store, or for other purposes that we may determine in the future. You will always have control over whether to transmit your physical location, and you can prevent such disclosure by disabling Bluetooth and Wi-Fi when in a store, declining the request to share your location, or adjusting your privacy settings in your mobile device operating system (as applicable).

Unique Identifier: We may assign you a unique internal identifier to help keep track of your future visits. We use this information to gather aggregate demographic information about our visitors, and we use it to personalize the information you see on the Web Properties and some of the electronic communications you receive from us. We keep this information for our internal use, and this information is not shared with others.

Third Party Opt Out: Although we do not presently do so, in the future we may allow third-party companies to serve advertisements and/or collect certain anonymous information when you visit the Web Properties. These companies may use non-personally identifiable information (including, but not limited to, click stream information, browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Web Properties in order to provide advertisements about goods and services likely to be of greater interest to you. These companies typically use a cookie or third party Web Beacon to collect this information, as further described above. Through these technologies, the third party may have access to and use non-personalized information about your online usage activity.

You can opt out of certain online behavioral services through any one of the ways described below (you do not need to go to each opt-out site, one is sufficient). After you opt out, you will continue to receive advertisements, but those advertisements will no longer be as relevant to you.

- You can opt out via the Network Advertising Initiative industry opt-out at www.networkadvertising.org
- You can opt out via the Consumer Choice Page at www.aboutads.info.
- You can opt out via the IAB UK's industry opt-out at www.youronlinechoices.com.
- You can configure your web browser (Chrome, Firefox, Internet Explorer, Safari, etc.) to delete and/or control the use of cookies. More information can be found in the Help system of your browser. It is at your discretion whether you use the opt-out described above or manage cookies via the browser. Note: If you opt out as described above, you should not delete your cookies. If you delete your cookies, you will need to opt out again. Use of Personal Information

The Personal Information that we collect is used for four main purposes:

1. To enable the features of the Web Properties, including, but not limited to: (a) operating any competitions or promotions in which you may participate; (b) setting up and managing your online account, including but not limited to our processing your requests for information, and/or providing support services to you; (c) providing services to you; and (d) delivering coupons and offers to you;
2. To improve the Web Properties by determining which of our products, features and services are most popular. We may analyze your information and usage information to enable us and our affiliates to provide services to you and develop new features, functionality, and services;
3. To personalize your experience on the Web Properties; and
4. To communicate with you and to inform you about our and third parties' products and services. When requested by you, we (and/or any of our third party service providers) may send you and keep you updated with information about existing and new services, products, and special offers, by email, telephone, mail or by means of any other contact details you provide to us or our affiliates, or to such third party service providers.

When Information Is Disclosed

In addition to the other times or occasions on which we might disclose Personal Information about you, we might also disclose Personal Information when required by law or in the good-faith belief that such disclosure is necessary to: (1) comply with legal processes and applicable laws; (2) enforce this Privacy Policy; (3) respond to any claim that any material, document, image, graphic, logo, design, audio, video, and any other information provided to, from or on the Web Properties by you violates the rights of third parties; or (4) protect our rights, property, or safety or the rights, property, or personal safety of our visitors and the public.

We may share and use your Personal Information and non-personally identifiable information with one or more of our locations to deliver coupons, offers, and otherwise promote our products to you.

We use reasonable precautions to keep the information that is disclosed to us secure. We provide Personal Information and non-personally identifiable information to our subsidiaries, affiliated companies, and other businesses or persons for the purposes of processing such information on our behalf and promoting the goods and services of our trusted business partners, some or all of which may store some or all of your information on servers outside of the United States. We require that these parties agree to process such information in compliance with our Privacy Policy or in a similar, industry-standard manner, and we use reasonable efforts to limit their use of such information and to use other appropriate confidentiality and security measures. The use of your information by one of our trusted business partners may be subject to that party's own Privacy Policy.

We may share non-personally identifiable information (such as anonymous user usage data, referring/exit pages and URLs, platform types, number of clicks, etc.) with third parties to demonstrate the usage patterns for advertisements, content, functionality, promotions, competitions, games, and/or services on the Web Properties and/or on third party websites.

We also reserve the right to disclose Personal Information and/or non-personally identifiable information in connection with the enforcement of our Terms, to take precautions against liability, to investigate and defend against any third-party claims or allegations, to assist government enforcement agencies, to protect the security or integrity of the Web Properties, and to protect our rights, property, or personal safety and that of our users or others.

We reserve the right to transfer your Personal Information, as well as any other information, in connection with the sale or other disposition of all or part of our

business and/or assets. We also cannot make any representations regarding the use or transfer of your Personal Information or other information that we may have in the event of our bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors, and you expressly agree and consent to the use and/or transfer of your Personal Information or other information in connection with a sale or transfer of some or all of our assets in any of the above described proceedings. Furthermore, we cannot and will not be responsible for any breach of security by any third parties or for any actions of any third parties that receive any of the information that is disclosed to us.

The Web Properties may also link to other websites and contain advertisements of third parties. We are not and cannot be responsible for the privacy policies of those websites of third parties or for how they treat information (including, but not limited to personally identifiable information) about their users.

Account, Password and Security

For certain features available through the Web Properties, we may require the use of encryption technologies provided for your protection and/or account. We use reasonable precautions to protect the privacy of your username, password, and account information.

You, however, are ultimately responsible for protecting your username, password, and account information from disclosure to third parties, and you are not permitted to circumvent the use of required encryption technologies. You agree to: (a) immediately notify us of any unauthorized use of your username or password, and/or any other breach of security; and (b) ensure that you log out from your account at the end of each session. While we may provide certain encryption technologies and use other reasonable precautions to protect your confidential information and provide suitable security, we do not and cannot guarantee or warrant that any information transmitted through the internet is secure, or that such transmissions are free from delay, interruption, interception, or error.

Employment Opportunity Information Collection

For individuals interested in job opportunities with us, the Web Properties currently or may in the future allow prospective employees to request additional job opportunity information. The Web Properties may be used to collect Personal Information from prospective employees for human resources recruitment purposes. By submitting any of the foregoing information, you consent to its dissemination to, and use by, us and our affiliates. The foregoing also applies to job application inquiries that you may transmit to us other than through the Web Properties.

Information From Children

We do not collect Personal Information from any person that we know to be under the age of thirteen (13). Specifically, the Web Properties is not intended or designed to attract children under the age of thirteen (13). You affirm that you are more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in this Privacy Policy, and to abide by and comply with this Privacy Policy. In any case, you affirm that you are over the age of 13, as THE WEBSITE IS NOT INTENDED FOR CHILD UNDER 13 THAT ARE UNACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN.

Parents and legal guardians should be aware that this Privacy Policy will govern our use of Personal Information, but also that information that is voluntarily given by children – or others – in email exchanges, bulletin boards, or the like may be used by other parties to generate unsolicited communications. We encourage all parents to instruct their children in the safe and responsible use of their Personal Information while using the Internet.

Privacy Outside the Web Properties

The Web Properties may contain various links to other websites, including, but not limited to, links to websites of various third party service providers. We are not and cannot be responsible for the privacy practices or the content of any of those other websites. Other than under agreements with certain reputable organizations and companies, and except for third party service providers (as described in this Privacy Policy), we do not share any of the Personal Information that you provide to us with any of the websites to which the Web Properties links, although we may share aggregate, non-personally identifiable information with those other third parties. Please check with those websites in order to determine their privacy policies and your rights under them.

European Union Users

If you are visiting us from the European Union, please note that we may collect, transfer, and continue to use your Personal Information outside the European Union for use for any of the purposes described in this Privacy Policy. By using the Web Properties and providing us with your Personal Information, you consent to our collection, transfer, and continued use of your Personal Information in accordance with this Privacy Policy.

Choices With Your Personal Information

Whether you submit any Personal Information to us is entirely up to you. You are under no obligation to provide Personal Information. However, this information is essential for the provision and quality of some of the services we offer to you, so we cannot provide you with certain services if you choose to withhold requested information.

You may choose to prevent us from disclosing or using your Personal Information under certain circumstances (“opt out”). You may opt out of any disclosure or use of your Personal Information for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization by notifying us by one of the methods at the end of this Privacy Policy, or by following the procedures set forth in an electronic communication from us, if applicable. Furthermore, even where your Personal Information is to be disclosed and used in accordance with the stated purposes in this Privacy Policy, you may elect to opt out of such disclosure to and use by a third party that is not acting as our agent. There are some uses from which you cannot opt out, such as our use of your Personal Information in connection with non-personally identifiable information or to provide products that you have requested from us.

Please note that opting out of the disclosure and use of your Personal Information as a prospective employee may prevent you from being hired as an employee to the extent you are using a Web Property to apply for an open position.

To the extent applicable, you may opt out of online behavioral advertising by following the instructions set forth above under the above section “Additional Ways That Information Is Collected Through the Web Properties,” subsection “Third Party Opt Out.”

Access and Correction

Please contact us in the manner specified at the end of this Privacy Policy to access your Personal Information in our possession and correct inaccuracies of that information in our records. We ask individuals to identify themselves and the information requested to be accessed and amended before processing such requests, and we may decline to process requests in limited circumstances as permitted by applicable privacy legislation.

Your California Privacy Rights

Under California’s “Shine the Light” law, California residents who provide certain personally identifiable information in connection with obtaining products or services for personal, family, or household use are entitled to request and obtain

from us (once a calendar year) information about the customer information we shared (if any) with other businesses for their own direct marketing uses. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (e.g., requests made in 2014 will receive information regarding 2013 sharing activities, if any).

Please be aware that not all information sharing is covered by the “Shine the Light” requirements and only information on covered sharing will be included in our response.

Do Not Track Requests

Additionally, because we may collect your Personal Information from time to time, California’s Online Privacy Protection Act requires us to disclose how we respond to “do not track” requests and other similar mechanisms. Currently, our policy is that we do not recognize “do not track” requests from Internet browsers and similar devices.

Your Consent To This Privacy Policy

By using the Web Properties, you consent to the collection and use of your information (including Personal Information) by us as specified above or as we otherwise see fit, in compliance with this Privacy Policy, unless you inform us otherwise by means of the procedure identified below. If we decide to change this Privacy Policy or some part of it, we will make an effort to post those changes on this web page so that you will always be able to understand what information we collect, how we use that information and under what circumstances we may disclose that information to others. Your use of the Web Properties following such publication of any amendment of this Privacy Policy will signify your assent to and acceptance of its revised terms for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you may submit in any manner that we may choose without notice or compensation to you.

If you have additional questions or comments of any kind, or if you see anything on the Web Properties that you think is inappropriate or incorrect, please let us know by email or by sending your comments or requests to:

Info@trescarnes.com

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