

PRIVACY POLICY

ERIK'S DELICAFE, INC. & ERIK'S DELICAFE FRANCHISES, INC.

Last modified: October 27, 2020

Erik's DeliCafe, Inc. & Erik's DeliCafe Franchises, Inc. (collectively, "Erik's," "we," "us," or "our") respects your privacy and we are committed to protecting it through our compliance with this Privacy Policy (the "Policy").

This Policy describes the types of information we may collect from you or that you may provide when you visit our website: <https://eriksdelicafe.com/> (our "Website"), download our mobile application (our "App"), use our online ordering services to order food, join our loyalty club or interact with us (collectively, the "Online Services," and together with our Website and App, our "Services"), and our practices for collecting, using, maintaining, protecting, and disclosing that information.

This Policy applies to information we collect:

- On our Website or App.
- In e-mail and other electronic messages between you and us.
- When you use our Online Services, such as create and online ordering account, join our loyalty club, etc.

It does not apply to information collected by:

- use offline or through any other means, including on any other website operated by us or any third party (including our affiliates and subsidiaries); or
- any third party, including through any application or content (including advertising) that may link to or be accessible from our Website or App.

Please read this Policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our Website, App, and our Online Services. By accessing or using our Website, App, and/or Online Services you agree to this Policy.

From time to time, we reserve the right to modify or amend the terms of our Policy. You will be notified of such changes by notifications on our Website, App, by e-mail notification informing you of such changes, or by any other reasonable means as required by applicable law. You should check this Policy frequently for any changes. Your continued use of our Website, App, and/or our Online Services following the posting of changes to this Policy will mean that you accept those changes.

BY ACCESSING OUR WEBSITE, APP, AND/OR BY USING OUR ONLINE SERVICES, YOU AGREE TO AND ACCEPT THE PRACTICES DESCRIBED IN THIS PRIVACY POLICY. IF YOU DO NOT AGREE WITH THE TERMS OF THIS PRIVACY POLICY, PLEASE DO NOT ACCESS OUR WEBSITE, APP, AND OUR ONLINE SERVICES.

1. Territorial Scope

Our Website, App, and/or Online Services are available for use only in the United States of America (the “U.S.”).

2. Minors and Children Under the Age of 13

Our Website, App, and Online Services are not intended for minors and children under age 18. Further, we do not knowingly collect personal information from children under age 13. If we learn we have collected or received personal information from a child under 13 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 13, please contact us at feedback@eriksdelicafe.com.

3. Information We Collect About You

We collect Personal Information (defined below) and information that is not Personal Information (“Non-Personal Information,” together with Personal Information, “Information”) regarding users of the Services or relating to the Services, either directly or through the activities of third-party suppliers and service providers and/or franchisees. For purposes of this Policy, “Personal Information” means the information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, to a person. We may combine Non-Personal Information with Personal Information, and in those circumstances we will treat the combined information as Personal Information. We collect several types of Personal Information from and about users of our Website, App, and/or Services, including the following information:

- First and last name
- Date of birth (not the year)
- Address
- Email address
- Phone number
- Loyalty number
- Persistent online identifier (e.g. persistent cookie, IP address)
- Geolocation (which may include specific longitude and latitude)
- Limited financial and business information related to a franchisee applicant
- Limited financial and business information related to catering or ordering
- Internet/Network information, such as device name, device ID, browsing history, browser type, interaction with website or online advertisement
- Inquiry information, such as your questions/feedback to us or survey responses

4. How We Collect Your Information

We collect your information from various sources (including from our franchisees) that may include, for example, from:

- You Directly. Information you provide directly when you use or otherwise interact with our Website, App, and/or Online Services; establish an online ordering account; become a member of our loyalty program; complete a survey, place an order for catering or delivery through our Website or App, or through third-party delivery partner; contact us; provide feedback and/or

submissions; or submit information through our Website, App, or Online Services, in connection with our loyalty program, or otherwise.

- Your Browser or Device. Information collected automatically as a result of your interaction with us, our franchisees and/or use of the Services (including information we receive when you use your loyalty card(s), historical sales information, your geolocation information (which may include specific longitude and latitude), usage times and volume, and information about the device you are using (for example, device type, device ID, characteristics and status, browser type, operating system and application version and information about how our application is used) or through our marketing activities. We use Google Analytics to collect such data. Terms of Service for Google Analytics are available here: <https://www.google.com/analytics/terms/us.html>.
- Third Parties. Information we collect about you from third parties to process your online orders, and for the loyalty club.
- Sweepstakes Partners. Information that you provide as part of entering a contest or sweepstakes online through the Services or through a third-party website. This information will be used as described in the applicable rules.
- Publicly Available Sources. Information that is publicly available, for example information you submit to a blog, chat room or social media network like Facebook or Twitter.
- Prospective Franchisees. Limited information submitted in an online form for individuals interested in becoming a franchisee. Such information may be used in any application for a franchise that you might later submit.
- Third-Party Delivery Services. Information that you provide to third-party delivery services when you place an order for delivery through such service. Please review such third-party's privacy policy, which is available on their respective website. We are not responsible for their collection, use, transfer, and storage of your information.
- Social Media Networks. Information that your social media network provides to us if you connect your social media account with Erik's. For example, this may include your social media ID or username, name, email address, general location, friends list, and demographic information such as gender or birthday/age. Note that certain of the information we receive will become part of your account(s) with Erik's and will be subject to this Policy.
- Otherwise in accordance with our agreements with you. Information as described elsewhere in this Policy, any applicable terms, or at the time such information is collected.

5. How We Use Your Information

We use information that we collect about you or that you provide to us, including any Personal Information:

- To present our Website/App and its contents to you, as applicable.
- To provide you with our Online Services.
- To provide you with information, products or services that you request from us.

- To notify you about changes to our Website, App, or any Online Services we offer or provide through it.
- To allow you to participate in interactive features on our Website/App.
- To improve customer experience.
- Provide customer support.
- Inform you about promotions, events, and news related to our Services.
- Process and deliver contest entries and awards.
- In any other way we may describe when you provide the information.
- Contact you with respect to our Services.
- To fulfill any other purpose for which you provide it.

6. Disclosure of Your Information

We may disclose aggregated information about our users and information that does not identify any individual, without restriction.

We may disclose Personal Information that we collect, or you provide as described in this Policy:

- To our employees on a need to know basis.
- To our franchisees, subsidiaries and affiliates on a need to know basis.
- In anonymized and/or aggregated form to contractors, service providers and other third parties, such as our payment processing partners, we use to support our business and who are bound by contractual obligations to keep Personal Information confidential and use it only for the purposes for which we disclose it to them.
- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which Personal Information held by us about our Website/App users is among the assets transferred.
- For any other purpose disclosed by us when you provide the information.
- With your consent.

We may also disclose your Personal Information:

- To comply with any court order, law or legal process, including to respond to any government or regulatory request.
- To enforce or apply other agreements, including for billing and collection purposes.
- If we believe disclosure is necessary or appropriate to protect our rights, property, or safety, or the rights, property, or safety of our customers or others.

7. Choices About How We Use and Disclose Your Information

We strive to provide you with choices regarding the information you provide to us. We have created mechanisms to provide you with the following control over your information:

- a. Tracking Technologies and Advertising. You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. If you disable or refuse cookies, please note that some parts of this Website may then be inaccessible or not function properly.
- b. Do Not Track. Do Not Track is a privacy preference that can be set in a web browsers. Our Website recognizes do not track browser setting or signals. For information about do not track, please visit <https://allaboutdnt.com/>.
- c. Disclosure of Your Information for Third-Party Advertising. We do not sell, trade, or otherwise transfer your Personal Information unless we provide you with advance notice. However, this does not include website hosting partners and other third parties who assist us in operating our Website, conducting our business, or servicing, so long as those parties agree to keep your information confidential.
- d. We do not control third parties' collection or use of your information to serve interest-based advertising. However, these third parties may provide you with ways to choose not to have your information collected or used in this way. You can opt out of receiving targeted ads from members of the Network Advertising Initiative (“NAI”) on the NAI's [website](#).

8. Third Party Links On Our Website

Our Website/App may contain links to other third party websites for your convenience. We are not responsible for the privacy policies and practices of other third parties and any information you submit to a third party is subject to their privacy policy. Once you leave our Website/App, or are redirected to a third-party website, application, or other online service, we encourage you to read the privacy policy applicable to that third party.

9. Opt-Out of Communications with Erik’s

- a. E-mail Contact. You may opt-out of receiving promotional e-mail communication from us by sending us an e-mail at feedback@eriksdelicafe.com. Please note that you will not be able to opt-out of transactional e-mail communication, such as communication related to your order. **In addition, you may click on the “unsubscribe” button in the footer of the email that we send.**
- b. Push Notification. You can opt out of receiving push notifications through your device settings. Please note that opting out of receiving push notifications may impact your use of the Website/App, and/or Online Services.

10. Your California Privacy Rights

We do not sell, trade, or otherwise transfer to outside third parties your Personal Information. California Civil Code Section § 1798.83 permits users of our Website/App that are California residents to request certain information regarding our disclosure of Personal Information to third parties for their direct marketing purposes. To make such a request, please send an e-mail to feedback@eriksdelicafe.com.

Further, the California Consumer Privacy Act of 2018, as amended (Cal. Civ. Code §§ 1798.100 to 1798.199) (“CCPA”), does not apply to us. If you have any questions or concerns about the CCPA or its non-applicability to us, please do not hesitate to e-mail us at feedback@eriksdelicafe.com.

11. Data Processing and Security

We have implemented measures designed to secure your Personal Information from accidental loss and from unauthorized access, use, alteration and disclosure. All information you provide to us is stored on our secure servers behind firewalls.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Website/App, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your Personal Information, by encrypting data in transit, we cannot guarantee the security of your Personal Information transmitted to our Website/App. Any transmission of Personal Information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Website.

Data that you provide is hosted on dedicated servers of our third-party partners.

12. Changes to Our Privacy Policy

It is our policy to post any changes we make to our Privacy Policy on this page, or by sending you an e-mail notification, or any other method prescribed under applicable law. The date the Privacy Policy was last revised is identified at the top of the page. You are responsible for ensuring that we have your up-to-date active and deliverable email address, and for periodically visiting our Website, App, and this Privacy Policy to check for any changes.

13. Contact Information

To ask questions or comment about this Privacy Policy and our privacy practices, contact us at: feedback@eriksdelicafe.com

OR

Erik's DeliCafé

1550 The Alameda, Suite 330

San Jose, CA 95126

PLEASE NOTE: IF YOU USE OUR WEBSITE, APP, AND/OR OUR ONLINE SERVICES, YOU HAVE AGREED TO AND ACCEPTED THE PRACTICES DESCRIBED IN THIS POLICY. IF YOU DO NOT AGREE WITH THE TERMS OF THIS POLICY, PLEASE DO NOT USE OUR WEBSITE, OR ONLINE SERVICES.

Archived Versions of Privacy Policy