

## Privacy Policy

Effective Date: 26 September 2018

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## 1 Disclaimer

All statements, information, and data given herein are believed to be accurate and reliable, but are presented without guarantee, expressed or implied. Statements or suggestions concerning possible use of our products, including but not limited to the design of Restaurant365 products and systems, are made without representation or warranty that any such use is free of patent infringement, and are not recommendations to infringe any patent. The user should not assume that all safety measures are indicated, or that other measures may not be required.

Restaurant365 is committed to protecting online user privacy. In order to ensure your privacy, information Restaurant365 collects through our website at [www.restaurant365.com](http://www.restaurant365.com) ("Site") is used only in the manner and for the purposes described in this Restaurant365 Privacy Policy ("Privacy Policy.")

## 2 User Consent to Privacy Policy

Any person accessing, browsing, or otherwise using the Site, either manually or via an automated device or program, shall be considered a "User." All Users are bound by the terms of this Privacy Policy. Users consent to the collection, use, and disclosure of personally identifiable User information ("Information") pursuant to the terms of this Privacy Policy.

## 3 Information Collected from Users

Restaurant365 collects the billing and shipping addresses, including relevant e-mail and phone information. This includes users who register to become Restaurant365 members or enter any Restaurant365 contests or other promotional features available on the Site.

Through the use of "cookies" (for more information regarding cookies, see below), Restaurant365 may collect and store anonymous information relating to Users' browsing patterns, including, for instance, the User's browser version, site referral information, IP address, operating system, and other technical Site use information.

## 4 Cookies

The Site uses a feature of Internet web browsers called a cookie, which is a file that a User's web browser places on a User's computer's hard drive, to assign an identification code to the computer and to collect anonymous browsing information. On this Site,

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cookies are used in conjunction with session variables to track a User's shopping cart and expire as soon as an order is completed or if a shopping cart sits idle for a long period without being checked out.

Restaurant365 does not use cookies to retrieve Information about Users from a User's computer unless the User knowingly and willingly provided such Information. For instance, Restaurant365's cookies do not collect any Information and the cookies do not collect, store or contain any credit card information.

You may set your Internet web browser to notify you when you receive a cookie or to prevent cookies from being sent. If you prevent a cookie from being sent, you may limit the functionality Restaurant365 can provide you when you visit the Site, especially when purchasing an item on the Site.

## 5 Limited Collection & Use of Information

Restaurant365 does not collect data indiscriminately. Restaurant365 collects personal information only for the purposes of providing and promoting the services we offer, and limits use to those purposes, including initiating, maintaining, enhancing, and terminating the employee-employer relationship. Personal information shall be collected by fair and lawful means, and not by misleading or deceiving individuals about the purpose for which information is collected.

Restaurant365 uses the Information collected from its Users to:

- Respond to Users' questions or comments;
- Administer a User's contest entry or entry in another promotional feature;
- Fulfill a User's purchase request and notify Users of their order status; and
- Provide Users with important functionality changes to the Site, new Restaurant365 services, and special offers we think you will find valuable.

## 6 Aggregate & Anonymous Data

Without limiting the confidentiality, data protection, and intellectual property rights terms set forth in this Privacy Policy, Restaurant365 has a perpetual right to use aggregated, anonymized, and statistical data ("Aggregated Data") derived from the operation of the Application or services ("Services") provided to users, and nothing

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herein shall be construed as prohibiting Restaurant365 from utilizing the Aggregated Data in the provision of its Services or for operating purposes.

## 7 Retention & Disposal

Restaurant365 retains personal information only as long as necessary to fulfill the stated purposes or as legally required and thereafter appropriately disposes of such information. Restaurant365 will specify minimum and maximum retention periods for the various records containing personal information.

When personal information is no longer necessary or relevant for the identified purpose or to fulfill a legal or business requirement, it shall be securely destroyed. Restaurant365 will either physically or electronically erase the personal information or make it anonymous in a non-recoverable manner.

## 8 Customer Success & Support

When requesting support from Restaurant365 you are permitting access to the customer Web Application interface and the data contained within. To effectively support the customer's Web Application, Customer Success Representatives of Restaurant365 will have support administrator access to the customer's Application and will be able to view, edit, modify or otherwise alter the customer's Web Application through the web portal.

Customer Success Representatives will adhere to the following guidelines:

- Are permitted to only work in the customer Web Application as the need to support the customer request
- Will have access to information displayed in the web application (Excluding confidential information, such as bank account numbers, routing numbers, etc.)
- Will escalate issues to Database Administrators or the Development Team as necessary to report bugs in the Application

## 9 Data Access

Database Administrators of Restaurant365 will have access to customers data as required to perform routine maintenance, security upgrades, schema changes, etc. As per Restaurant365 Security Policies, Database Administrators will not add, remove,

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delete, or otherwise modify customer raw data as input in by the customer, unless otherwise explicitly requested.

## 10 Disclosure of Information to Third Parties

Unless we have your consent or except as required or permitted by law, Restaurant365 will not sell, share, trade, or give away any Information that it collects or receives regarding its Users.

Restaurant365 may disclose information about our Users to others if we have a good faith belief that we are required to do so by law or legal process, to respond to claims, or to protect the rights, property, or safety of Restaurant365 or others. Restaurant365 may disclose Information to a third party in the event that a third party acquires Restaurant365 or its assets. (See Sale or Acquisition section below.)

Restaurant365 may share information about you with third parties in certain circumstances including in the following situations:

**Affiliates** – Restaurant365 may share information with companies that we own or control, that are owned or controlled by us, or that are under common ownership or control.

**Blogs, Online Postings, and Testimonials** – Restaurant365 may decide to allow users to share comments, postings, testimonials, or other information. If you choose to submit such information to us, the information that you submit may be available generally to the public. The information you provide in these areas may be read, collected, and used by others who access them.

**Business Transition** – In the event that Restaurant365, or any portion of our assets, are acquired, we may share all types of information with the acquiring company.

**On-line Applications & Tools** – Restaurant365 may offer tools, widgets, or applications on our website, such as search engine functionalities, that are powered by third parties. If you use those applications or tools, any information that you provide may be shared with the third party that provides that functionality. The third party's use of that information is subject to their privacy notice.

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**Law Enforcement** – Restaurant365 may report to law enforcement agencies any activities that we reasonably believe to be unlawful, or that we reasonably believe may aid a law enforcement investigation into unlawful activity. In addition, we reserve the right to release your information to law enforcement agencies if we determine, in our sole judgment, that either you have violated our policies, or the release of your information may protect the rights, property, or safety of Restaurant365, or another person.

**Legal Process** – Restaurant365 may be required to disclose personal data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements. This also includes sharing your information with governmental entities, or third parties in response to subpoenas, court orders, another legal process, or as we believe is necessary to exercise our legal rights, to defend against legal claims that have been brought against us, or to defend against possible legal claims that we determine in our sole discretion might be brought against us.

**Partners** – Restaurant365 may share information with other companies that provide products or services that we think may be of interest to you.

**Service Providers** – Restaurant365 may share information with companies or individuals that provide us with services. These services may include, among other things, providing products or services to you on our behalf, creating or maintaining our databases, researching and analyzing the people who request information from us, preparing and distributing communications, or responding to inquiries.

**Linked Websites** – Our website, our emails, or our application may link to third parties' websites. The Site may provide hyperlinks, which are highlighted words or pictures within a hypertext document that, when clicked, take you to another place within the document, to another document altogether, or may take you to a third-party website not controlled by Restaurant365. These hyperlinked third-party websites may collect and disclose Information different than this Site. Restaurant365 is not responsible for the collection, use, or disclosure of information collected through these websites, and Restaurant365 expressly

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disclaims any and all liability related to such collection, use, or disclosure. It is also possible that third parties' websites or e-mails may link to our website. Restaurant365 is not responsible for the content or the privacy practices employed by third parties, and information collected by third parties is not governed by Restaurant365 's privacy notice.

If Restaurant365 has knowledge that a third party uses or discloses personal information in an unapproved manner, Restaurant365 takes reasonable steps to prevent or stop the use or disclosure.

Where applicable, to limit or opt out of the disclosure of personal information, individuals should contact their employer or Restaurant365 in the manner set out in the Enforcement section.

## 11 Security

Restaurant365 has a variety of security measures and controls in place to protect the confidentiality, integrity, and availability of information that we collect and to secure your personal information from accidental loss unauthorized access, use, alteration, and disclosure.

## 12 Access

Unless Restaurant365 is permitted or required by law to prohibit access, Restaurant365 makes personal information available for review and updating, either directly through the self-service feature in its products, by directing individuals to the employer for access, or through an access request made to established contacts within Restaurant365

Restaurant365 responds to requests within the time limit set out by the applicable privacy legislation and, if applicable, provides the individual with an estimate of the cost associated with administering and responding to the request. Restaurant365 requires sufficient information to authenticate requests for access.

## 13 Sale or Acquisition

In the event that another company acquires Restaurant365 or all or part of its assets, we reserve the right to include Information among the assets transferred to the acquiring company.

## 14 Applicable Law/International Issues

Information that is submitted to this Site will be collected, processed, stored, disclosed, and disposed of in accordance with applicable U.S. law. If you are a non-U.S. User, you acknowledge and agree that we may collect and use your Information, as discussed above, outside your resident jurisdiction. In addition, such Information may be stored on servers located outside your resident jurisdiction. U.S. law may not provide the degree of protection for Information that is available in other countries. By providing us with your Information, you acknowledge that you have read this Privacy Policy, understand it, agree to its terms and consent to the transfer of such Information outside your resident jurisdiction. If you do not consent to the terms of this Policy, please do not use this Site, but if you have already provided us with Information, please contact us and let us know how you would like us to handle such information.

## 15 Onward Transfer

Restaurant365 reserves the right to employ other companies and individuals as our subcontractors or vendors to perform functions on our behalf. All such contractors are contractually obligated to use and maintain the confidentiality of personal information in accordance with this Privacy Policy.

Restaurant365 shall be liable in accordance with all applicable laws if found to have willfully violated consumer's rights in the onward transfer of personal data to third parties.

## 16 Amendments to Privacy Policy

Restaurant365 reserves the right, at any time, to modify, alter, or update the terms and conditions of this Privacy Policy without prior notice. Modifications shall become effective immediately upon being posted on our website. Your continued use of the website after modifications are posted constitutes an acknowledgment and acceptance of the Privacy Policy and its modifications.