



## Privacy Policy and Terms of Use

This Privacy Policy describes our policies on the collection, use, and disclosure of information about you in connection with your visits to our restaurants, catering events, online retail merchandise sales, gift card sales and your use of our services, including those offered through our websites, payment portals, document signing platforms, communications (e.g., emails, phone calls, and texts), and mobile applications (collectively, the “**Services**”). The terms “**we**”, “**us**”, and “**Phil’s BBQ**” refer to: Phil’s BBQ, Inc., and all its related or affiliated entities, all California corporations with headquarters in San Diego, California, U.S.A.

When you use the Services, you consent to our collection, use, and disclosure of information about you as described in this Privacy Policy. We may translate this Privacy Policy into other languages for your convenience. Nevertheless, the English version governs your relationship with Phil’s BBQ, and any inconsistencies among the different versions will be resolved in favor of the English version available here.

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### COLLECTION OF PERSONAL DATA AND HOW WE USE IT

In this Privacy Policy, "personal data" means any information that identifies, relates to, describes, is reasonably capable of being associated with or reasonably can be used to identify an individual or household and other data that is linked to personal data. The types of personal data we collect about you depend on your interactions with us and are described in more detail below. We may

collect, transmit, and store information about you in connection with your use of the Services, including any information you send to or through the Services. We use that information to provide the Service's functionality, fulfill your requests, orders, reply to inquiries, improve the Service's quality, engage in research and analysis relating to the Services, personalize your experience, track usage of the Services, from time to time, display relevant advertising or promotions, market the Services, provide customer support, message you, back up our systems, enhance the security of the Services, and comply with legal obligations. Even when we do not retain such information, some information may still be transmitted to our servers initially and stored long enough to process.

## **PERSONAL DATA YOU PROVIDE DIRECTLY TO US**

We collect personal data directly from you in a variety of ways, including when you:

- Participate in interactive areas of our Services, or fill out forms on our Services or in our restaurants;
- Request additional information about our products or services or sign up to receive our e-mail newsletters, or marketing messages;
- Interact with us on social media, such as by tagging us and/or our products or permitting us to follow your social media profile;
- Purchase any product or service from us;
- Provide design or product feedback or make other submissions to us;
- Request information or assistance from us, including correspondence with our customer service team or our restaurant associates;
- Participate in or respond to surveys or requests for opinions, feedback and preferences;
- Participate in any of our experiential offerings in our restaurant locations, sponsored by us;
- Participate in or register for our Birthday Club or other membership programs;
- Using other features of our websites that may be offered from time to time, which may require information in order to utilize the features; and
- Sign up for and participate in events, contests, sweepstakes, promotions and special programs that we provide.

The types of personal data we collect directly from you may include: your name, username, password, e-mail address, residential address, date of birth, address, telephone number, cell phone number, credit card and debit card numbers (with expiration dates), demographic information, personal preferences, clothing size, and any other personal data that you choose to include in your communications with us.

## **PERSONAL DATA WE AUTOMATICALLY COLLECT**

We automatically collect personal data when you access and use our Services or dine in our restaurants or event facilities. The types of information we collect may include:

- Networking and device information, such as your browser type, IP address, and operating system version, language settings;
- Information about your activity on our Services, such your access times, pages viewed, the routes by which you access our Services, your use of any hyperlinks available within our Services;
- Information about your purchases or transactions with us, including records of products or services you have purchased, returned or are considering purchasing from us;
- Information collected via cookies, web beacons, and other tracking technologies, including Internet service provider (ISP), Mobile Advertising ID, media access control (MAC) address, or identifiers associated with browser cookies, web beacons and similar technologies we deploy on our Services;
- Video monitoring and recording we deploy in our restaurant and event facilities; and
- Location information in accordance with your device permissions. For more details, please see ["YOUR CHOICES"](#) below. We may also use technology in our restaurant locations to collect data about the presence of your device.

## **PERSONAL DATA WE COLLECT FROM OTHER SOURCES**

We may collect personal data about you from other sources. For example, we may collect personal data about you from:

- Our other customers, including when they bring you as a guest to one of our restaurants or events or lists you as an emergency contact;
- Third parties hosting events if they share event attendance or participation information with us;
- Third-party social media and communication services, such as Facebook, Twitter, Google and Instagram, that you use to interact with our Services (e.g., to create an account) or that allow you to share information (e.g., via plugins, widgets or other tools), but always in accordance with the authorization procedures and privacy settings you establish with such services; and
- Unaffiliated parties, such as service providers that we use, analytics companies, advertising networks, consumer data resellers, and other third parties that provide us with information, so we can better understand you and provide you with information and offers that may be of interest to you.

## **PERSONAL DATA WE DERIVE**

We may derive information or draw inferences about you based on the other types of personal data we collect. For example, we may infer your location based on your IP address, or your dining preferences based on your past orders or browsing behavior on our Services.

## **USE OF PERSONAL DATA**

We collect and use personal data for business and commercial purposes, including to:

- Develop, provide and improve our products, events and services;
- Complete the transactions you request, perform our contractual obligations, and as otherwise anticipated within the context of our ongoing business relationship;

- Send notifications related to your purchases and returns;
- Respond to your requests and any other communications from you, including to provide customer service;
- Send advertising or marketing communications about products, services, offers, promotions, rewards and events offered or sponsored by Phil's BBQ and others, and provide news and information that we believe may be of interest to you;
- Offer and administer contests, sweepstakes and other promotions;
- Conduct internal research and development;
- Analyze your engagement with our brand and your use of our Services to better understand your interests and behaviors and customize your experience;
- Detect security incidents and protect against malicious, deceptive, or illegal activity, including fraudulent transactions, error, negligence, and breach of contract, and to protect against harm to the rights, property or safety of Phil's BBQ and our users, customers, employees or the public;
- Debug, identify and repair errors that impair existing intended functionality of our Services;
- Comply with our legal obligations, including our tax obligations and those related to the prevention of fraud and money laundering, and those required for you to benefit from rights recognized by law, or any regulatory requirements or provisions; and
- Carry out certain short-term activities and other reasonable internal purposes related to the products or services you purchase from us or your ongoing relationship with us.

## **DISCLOSURE OF PERSONAL DATA**

We share personal data for the purposes described below:

a. With our Affiliates and Subsidiaries. Disclosures of your personal data to our holding company, subsidiaries and affiliates for the purposes described in the "USE OF YOUR PERSONAL DATA" section above.

b. With our Service Providers. We share personal data with unaffiliated companies or individuals we hire or work with that perform services on our behalf, including customer support, web hosting, information technology, payment processing, product fulfillment, fraud control, direct mail and email distribution, events, contest, sweepstakes and promotion administration, and analytics services. We only share with service providers the personal data that they need to perform services for us. Since some service providers may be located outside the U.S.A., please note that these disclosures involve cross-border transfers of your personal data as described in the "DATA TRANSFERS" section below.

c. In Connection with a Corporate Transaction. Personal data may be disclosed or transferred as part of, or during negotiations of any purchase, sale, lease, merger, amalgamation or any other type of acquisition, disposal, securitization or financing involving Phil's BBQ.

d. With our Professional Advisors. We share personal data with our legal, financial, insurance and other advisors in connection with the kinds of corporate transactions described above or in connection with the management of all or part of Phil's BBQ's business or operations.

e. With Law Enforcement Authorities and Individuals Involved in Legal Proceedings. We disclose personal data when we believe doing so is reasonably necessary to comply with applicable law or legal process (including an enforceable request from authorities), to respond to claims (including inquiries by you in connection with your purchases from Phil's BBQ), or to protect the rights, property or personal safety of Phil's BBQ, our users, employees or the public.

f. Third Party Integrations. If you sign up for, or log into, Phil's BBQ, using a third-party service like Facebook, Instagram, or Google, we may receive information about you from such third-party service. If you post content to a third-party service through the Service, that third party service will also receive that content, which will be visible to anyone that has access to it through that third-party service. Some of our web pages utilize framing techniques to serve content to you from our third-party partners, while preserving the look and feel of the Service. In such cases, please note that the information you provide may be transmitted directly to the identified third-party partner. If you interact with businesses through Yelp, they will receive whatever information you choose to share with them, for example contact information you share through direct messages to the business or your phone number if you call the business.

g. With Your Consent or at Your Direction. We share personal data with third parties when we have your consent to do so. For example, if you decide to participate in certain activities or interactive areas or features of our events or Services. We may also share aggregated or de-identified information, which cannot reasonably be used to identify you.

## **ADVERTISING AND ANALYTICS SERVICES PROVIDED BY OTHERS**

We may allow others to provide analytics services and serve advertisements on our behalf across the web and in mobile applications. These entities may use cookies, web beacons, device identifiers, and other tracking technologies which collect information about your use of the Services and other websites and applications. This information may be used by Phil's BBQ and others to, among other things, analyze and track data, determine the popularity of certain content, deliver advertising and content targeted to your interest on our Services and other websites, and better understand your online activity. For detailed information on the cookies we use and the purpose for which we use them, see the section about Cookies below.

## **DATA SECURITY, TRANSFERS AND RETENTION**

### **DATA SECURITY**

The transmission of information via the internet is not completely secure or private. If you have any questions about the security of personal data collected by Phil's BBQ, please contact: [PRIVACYOFFICER@PHILSBBQ.COM](mailto:PRIVACYOFFICER@PHILSBBQ.COM)

### **DATA TRANSFERS**

For the reasons and purposes set forth in this Privacy Policy, the personal data that we collect may be transferred to and stored or otherwise processed in the United States and, Canada and other locations. We also transfer personal data to service providers that process personal data

for us in the United States, Canada and other locations (as an example, UPS, FedEx, USPO). While in another jurisdiction for processing, your personal data may be accessed by the courts, law enforcement, and national security authorities of that jurisdiction. These jurisdictions may not provide the same level of data protection as your home jurisdiction.

## **RETENTION OF PERSONAL DATA**

We retain personal data in accordance with applicable law. Unless otherwise required by applicable law, Phil's BBQ will take reasonable steps to destroy or permanently de-identify personal data it holds if such personal data is no longer needed for the purpose for which it was collected.

## **CHILDREN'S POLICY**

The Services are not intended for children under the age of 18. Phil's BBQ does not target our Services to children under 18.

## **THIRD PARTY SITES**

Please note that our website contains links to third-party websites that are not controlled or operated by Phil's BBQ. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that Phil's BBQ does not accept any responsibility or liability for these policies. Please review these policies before you disclose any personal data when visiting such third-party websites.

## **YOUR OPTIONS**

You have certain choices with respect to how we treat your personal data, as described below.

## **CORRECTION**

If you believe any of your personal information is incorrect, you can contact us at [privacyofficer@philsbbq.com](mailto:privacyofficer@philsbbq.com) and request that we update your profile information.

## **MARKETING COMMUNICATIONS**

You may opt out of receiving promotional communications from us by following the instructions in those communications or by contacting us at [privacyofficer@philsbbq.com](mailto:privacyofficer@philsbbq.com) and changing your communications preferences. If you opt out, we may still send you non-promotional communications, such as those about our ongoing business relations.

## **LOCATION DATA**

When you first launch any of our mobile applications that collect precise location information, you will be asked to consent to the application's collection of this information. If you initially consent to our collection of this location information, you can subsequently stop the collection of this information at any time by changing the preferences on your mobile device. If you do so, our mobile applications, or certain features thereof, may no longer function properly.

## **MOBILE PUSH NOTIFICATIONS/ALERTS**

With your consent, we may send promotional and non-promotional push notifications or alerts to your mobile device. You can deactivate these messages at any time by changing the notification settings on your mobile device.

## **COOKIES**

Like many websites, Phil's BBQ uses "cookies" to analyze visits to our website and help us improve our website and services. Most web browsers are set to accept cookies by default. If you prefer, you can usually set your browser to remove or reject cookies. Please follow your browser's process for doing so. Please note that if you choose to remove or reject cookies, this could affect the availability and functionality of our websites.

<b>Purpose</b>	<b>Explanation</b>
Processes	Intended to make the Service work in the way you expect.
Authentication, Security and Compliance	Intended to prevent fraud, protect your data from unauthorized parties, and comply with legal requirements.
Preferences	Intended to remember information about how you prefer the Service behave and appear.
Notifications	Intended to allow or prevent notices of information or options that we think could improve your use of the Service.
Advertising	Intended to make advertising more relevant to users and more valuable to advertisers.
Analytics	Intended to help us understand how visitors use the Service.

You can set some Cookie preferences through your device or browser settings but doing so may affect the functionality of the Service. The method for disabling Cookies may vary by device and browser but can usually be found in your device or browser preferences or security settings. For example, iOS and Android devices each have settings which are designed to limit forms of ad tracking. Please note that changing any of these settings does not prevent the display of certain advertisements to you.

## **TECHNOLOGIES IN OUR RETAIL RESTAURANT LOCATIONS**

We have deployed Wi-Fi access points in some of our restaurant locations, and we receive aggregate reports (none of which identify any individual or device) regarding restaurant traffic that relies in part of information collected from the Wi-Fi access points to track traffic patterns in our restaurants. Where such technology is used, we will provide a prominent notice at the location. If

you wish to exclude your device from such in-store mobile analytics, you can opt out at any time by turning off Wi-Fi on your device. We do not use facial recognition technology.

## **CALIFORNIA CONSUMERS: CALIFORNIA PRIVACY RIGHTS**

### **ADDITIONAL DISCLOSURES RELATED TO COLLECTION, USE AND DISCLOSURE OF PERSONAL DATA**

If you are a California resident, the California Consumer Privacy Act (“**CCPA**”) requires us to disclose the following information with respect to our collection, use and disclosure of personal data.

**Categories of Personal Data Collected:** In the preceding 12 months, we have collected the following categories of personal data: identifiers, characteristics of protected classifications under California or U.S. law, commercial information, internet and electronic network activity, geolocation data, audio and visual information, inferences drawn about your preferences, and other categories of personal data that relates to or is reasonably capable of being associated with you. For examples of the precise data points we collect, please see “COLLECTION OF PERSONAL DATA” above.

**Business or Commercial Purpose for Collecting and Using Data:** We collect personal data for the business purposes described in the “USE OF YOUR PERSONAL DATA” section above.

**Categories of Sources of Personal Data:** We collect personal data from you and the sources described in the “PERSONAL DATA WE COLLECT FROM OTHER SOURCES” section above.

**Categories of Personal Data Disclosed:** In the preceding 12 months, we have disclosed the following categories of personal data for business or commercial purposes: identifiers, internet and electronic network activity information, commercial information, audio and visual information, geolocation data, demographic information, inferred information, and other information that we have derived or inferred about you or that relates to or is reasonably capable of being associated with you.

**Categories of Third Parties With Whom We Share Personal Data:** We may share your personal data with the third parties as described in the “DISCLOSURE OF PERSONAL DATA” section above.

**Sale of Personal Data:** Phil’s BBQ does not sell your personal data.

### **YOUR CONSUMER RIGHTS**

California consumers have the right to request access to their personal data, additional details about our information practices and deletion of their personal data (subject to certain exceptions). California consumers also have the right to opt out of sales of personal data, if applicable. We describe how California consumers can exercise their rights under the CCPA below. Please note that you may designate an authorized agent to exercise these rights on your behalf by providing written materials demonstrating that you have granted the authorized agent power of attorney. Please note that if an authorized agent submits a request on your behalf, we may need to contact you to verify your identity and protect the security of your personal data. We will not discriminate against you if you choose to exercise your rights under the CCPA.

**Right to Know:** You may request access to the specific pieces of personal data we have collected about you in the last 12 months. You may also request additional details about our information practices, including the categories of personal data we have collected about you, the sources of such collection, the categories of personal data we share for a business or commercial purpose, and the categories of third parties with whom we share your personal data. You may make these requests by calling 1-877-25-PHILS (74457), or contacting us at [privacyofficer@philsbbq.com](mailto:privacyofficer@philsbbq.com). After submitting your request, please monitor your email for a verification email. We are required by law to verify your identity prior to granting access to your data in order to protect your privacy and security.

**Deletion:** You may request that we delete the personal data we have collected about you. Please note that we may retain certain information as required or permitted by applicable law. You may make these requests by calling 1-877-25-PHILS (74457), or contacting us at [privacyofficer@philsbbq.com](mailto:privacyofficer@philsbbq.com). After submitting your request, please monitor your email for a verification email. We are required by law to verify your identity prior to deleting your data in order to protect your privacy and security. If you request to delete your personal data, certain of our products and services may no longer be available to you.

Separate from the CCPA, California's **Shine the Light law** gives California residents the right to ask companies what personal information they share with third parties for those third parties' direct marketing purposes. We do not disclose your personal information to third parties for the purpose of directly marketing their goods or services to you unless you request such disclosure. If you have any questions regarding this policy, or would like to change your preferences, you may contact us at the address listed above in Section 8.

## **NEVADA RESIDENTS: YOUR NEVADA PRIVACY RIGHTS**

Nevada law (SB 220) requires website operators to provide a way for Nevada consumers to opt out of the sale of certain information that the website operator may collect about them. Yelp does not sell your personal information to third parties as defined in Nevada law, and will not do so in the future without providing you with notice and an opportunity to opt-out of such sale as required by law. If you have any questions regarding our data privacy practices or our compliance with Nevada data privacy law, please contact us [privacyofficer@philsbbq.com](mailto:privacyofficer@philsbbq.com), or 1-877-25-PHILS (74457).

## **EUROPEAN RESIDENTS: PRIVACY RIGHTS AND INTERNATIONAL DATA TRANSFER**

If you are a European Resident, you have the right to access your personal data, and the right to request that we correct, update, or delete your personal data. You can object to the processing of your personal information, ask us to restrict processing of your personal information, and request portability of your personal information. To exercise these rights, please email [privacyofficer@philsbbq.com](mailto:privacyofficer@philsbbq.com). Similarly, if we have collected and processed your personal information with your consent, then you can withdraw your consent at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent. The Service generally provides you with a reasonable means to view

information and you can opt-out of marketing communications at any time by clicking on the “unsubscribe” or “opt-out” link in the marketing emails we send you or in your [account settings](#). If you have any questions or comments about the processing of your personal information, you may contact us as described above. Please note that if you are a European Resident, the “data controller” responsible for protecting your personal data related to the Service is Phil’s BBQ, a California corporation headquartered in San Diego, California.

For European Residents, please note that the personal information we obtain from or about you may be transferred, processed, and stored outside of the EEA or Switzerland for the purposes described in this Privacy Policy, including in the United States of America. We take the privacy of our users seriously and therefore take steps to safeguard your information, including ensuring an adequate level of data protection in accordance with E.U. standards in effect as of the date of this Privacy Policy. These steps include use of the European Commission’s Standard Contractual Clauses for transfers of personal information between our group companies, which require all group companies to protect personal information they process from the EEA in accordance with European Union data protection laws. We have implemented similar appropriate safeguards with our third-party service providers and partners and further details can be provided upon request.

## **MODIFICATIONS TO THIS PRIVACY POLICY**

We may revise this Privacy Policy from time to time. The most current version of the Privacy Policy will govern our collection, use, and disclosure of information about you. If we make material changes to this Privacy Policy, we will notify you by email or by posting a notice on the Service prior to or on the effective date of the changes. By continuing to access or use the Service after those changes become effective, you acknowledge the revised Privacy Policy.

## **CONTACT US**

If you have any questions or comments about this Privacy Policy, you may call us at 1-877-25-PHILS (74457), email us At [privacyofficer@philsbbq.com](mailto:privacyofficer@philsbbq.com), or write to us at:

Privacy Officer  
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