

# Flynn Group Privacy Policy

Effective Date: November 1, 2023

Flynn Group and its affiliated companies Apple American Group, Bell American Group, Pan American Group, RB American Group, Hut American Group, Wend American Group, and Flynn Fitness Group (collectively, “Flynn,” “we,” or “us”) care about your privacy. This Privacy Policy describes how we collect, use, and share information, including information we may collect at our restaurant locations or when you interact with our websites, social media sites and handles, tabletop/mobile applications, email and online services, and other Flynn personnel (collectively, our “Services”). This Privacy Policy explains:

- the types of information we collect through our Services
- how we use and protect that information
- the types of information we may share with others and under what circumstances
- the choices you have regarding our collection, use, and sharing practices
- details regarding our use of third-party cookies and other tracking technologies

We also include specific disclosures for residents of certain jurisdictions.

This Policy applies to any information we collect when you use the Services. It also applies anywhere it is linked. It does not apply to non-Flynn websites, services, and applications that may link to the Services or be linked to or from the Services; please review the privacy policies on those websites and applications directly to understand their privacy practices. All capitalized terms shall have the meaning described in the Your Options and Rights Section at the end of this Policy.

## Information We Collect

The following is a description of our data collection practices, including the Personal Information we collect, the sources of that information, the purposes for which we collect the information, whether we disclose that information to other companies, and how long we retain that information.

Categories	Purpose	Sharing	Retention
<b>Personal Identifiers:</b> We may collect your name, email address, telephone number, or postal address when you submit a form, claim, or survey to us, if you communicate with us by telephone or email, or when you submit your information	Provide, maintain, and improve Services Notify you about changes to our Services Provide customer support Analyze use of Services	Service Providers and Contractors Social Media Platforms Companies involved in advertising Our affiliated or related entities,	As long as necessary to complete the purpose, unless otherwise instructed by consumer, or unless otherwise disclosed at the

<p>to reserve a table or a seat at our restaurants.</p> <p>We collect your IP address automatically when you use our Services.</p> <p>We collect your Device ID automatically when you use our Services.</p>	<p>Monitor usage of Services</p> <p>Contact you about the Services</p>	<p>including our franchisors</p>	<p>time of collection.</p>
<p><b>Protected Classifications:</b></p> <p>We collect your age in order to comply with laws that restrict collection and disclosure of Personal Information belonging to minors. We may collect your gender if you provide it in a survey you complete for us.</p>	<p>Provide, maintain, and improve Services</p> <p>Comply with legal requirements</p>	<p>Service Providers and Contractors</p>	<p>As long as necessary to complete the purpose, unless otherwise instructed by consumer, or unless otherwise disclosed at the time of collection.</p>
<p><b>Commercial Information:</b></p> <p>When you engage in transactions with us, we may create records of goods or services purchased, including financial information used to complete the transaction.</p>	<p>Provide, maintain, and improve Services</p> <p>Provide customer support</p> <p>Analyze use of Services</p> <p>Monitor usage of Services</p>	<p>Service Providers and Contractors</p> <p>Social Media Platforms</p> <p>Companies involved in advertising</p> <p>Our affiliated or related entities, including our franchisors</p>	<p>As long as necessary to complete the purpose, unless otherwise instructed by consumer, or unless otherwise disclosed at the time of collection.</p>
<p><b>Biometric Information:</b></p> <p>We do not collect information about your physiological, biological, or behavioral characteristics.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p><b>Internet or Other Electronic Network Activity Information:</b></p>	<p>Provide, maintain, and improve Services</p>	<p>Service Providers and Contractors</p>	<p>As long as necessary to complete the</p>

<p>We collect information about your browsing history, search history, and information regarding your interaction with our websites, applications, and advertisements automatically when you utilize our Services.</p>	<p>Analyze use of Services</p> <p>Monitor usage of Services</p>	<p>Social Media Platforms</p> <p>Companies involved in advertising</p> <p>Our affiliated or related entities, including our franchisors</p>	<p>purpose, unless otherwise instructed by consumer, or unless otherwise disclosed at the time of collection.</p>
<p><b>Geolocation Data:</b></p> <p>As described above, we collect your IP address automatically when you use our Services. We may be able to determine your general location based on the IP address. We do not collect your precise location (i.e., your GPS coordinates).</p>	<p>Provide, maintain, and improve Services</p>	<p>Service Providers and Contractors</p> <p>Social Media Platforms</p> <p>Companies involved in advertising</p> <p>Our affiliated or related entities, including our franchisors</p>	<p>As long as necessary to complete the purpose, unless otherwise instructed by consumer, or unless otherwise disclosed at the time of collection.</p>
<p><b>Audio, electronic, visual, thermal, olfactory, or similar information:</b></p> <p>We may collect video surveillance at our stores. Otherwise, we do not collect this information.</p>	<p>Provide, maintain, and improve Services</p> <p>Comply with legal requirements</p>	<p>Service Providers and Contractors</p>	<p>As long as necessary to complete the purpose, unless otherwise instructed by consumer, or unless otherwise disclosed at the time of collection.</p>
<p><b>Professional or employment-related information:</b></p> <p>We may collect professional or employment-related information about you when you search for job openings or apply for a job with us.</p>	<p>Provide, maintain, and improve Services</p> <p>Comply with legal requirements</p>	<p>Service Providers and Contractors</p>	<p>As long as necessary to complete the purpose, unless otherwise instructed by consumer, or unless otherwise disclosed at the</p>

			time of collection.  As long as required under the applicable laws.
<b>Education information:</b> We may collect educational information about you if you apply for a job with us.	Provide, maintain, and improve Services Comply with legal requirements	Service Providers and Contractors	As long as necessary to complete the purpose, unless otherwise instructed by consumer, or unless otherwise disclosed at the time of collection.
<b>Inferences drawn to create a profile about a consumer reflecting the consumer's preferences or characteristics:</b> We do not analyze your actual or likely preferences.	N/A	N/A	N/A
<b>Sensitive personal information:</b> We may collect certain Personal Information that is defined as Sensitive Personal Information under the applicable data protection laws. This data varies depending on the context and purpose of collection.	Provide, maintain, and improve Services Comply with legal requirements Analyze use of Services Monitor usage of Services	Service Providers and Contractors	As long as necessary to complete the purpose, unless otherwise instructed by consumer, or unless otherwise disclosed at the time of collection.

We may disclose information to other parties who are not listed here when required by law or to protect our Company or other persons.

## How We Secure the Information We Collect From or About You

We use a combination of physical, technical, and administrative safeguards to protect the information we collect through the Services. While we use these precautions to safeguard your information, we cannot guarantee the security of the networks, systems, servers, devices, and databases we operate or that are operated on our behalf.

## **Additional Information about our Data Collection and Sharing Practices**

### Sharing of Aggregated Data

We may analyze aggregated, de-identified data in accordance with the applicable data protection laws and share these analyses at our discretion, including with marketing agencies, media agencies, and analytics providers. These other companies will not be able to relate this data to identifiable individuals.

### Combination of Information

We may combine information from the Services together and with other information we obtain from our business records.

### Change of Ownership or Corporate Organization

We may transfer to another entity or its affiliates or service providers some or all information about you in connection with, or during negotiations of, any merger, acquisition, sale of assets or any line of business, change in ownership control, or financing transaction.

### Our Practices Regarding Information Belonging to Children

The Services are intended for users aged 16 and older. Flynn does not knowingly collect personal information from children. If we discover that we have inadvertently collected personal information from anyone younger than the age of 16, we will delete that information. We do not share or sell any data of any users that we know to be under the age of 16.

## **Do Not Track**

We do not currently recognize automated browser signals regarding tracking mechanisms, which may include “Do Not Track” (DNT) signals sent by web browsers, mobile devices, or other mechanisms. Third parties may be able to collect information, including Personal Information, about your online activities over time and across different websites or online services when you use the Services. You may opt out of online behavioral ads at <http://www.aboutads.info/choices/>. You also may limit certain tracking by disabling cookies in your web browser.

## **Cookies and Analytics**

We use cookies, pixels, tags, and other technologies, which may be provided by third parties, on our Services to enable certain functionality and for security and fraud detection and prevention, as well as to collect usage information about our Website and the emails that we send and to personalize content and provide more relevant ads and information. We may combine the information we collect via these technologies with other information, including Personal Information.

## Cookies

Cookies are alphanumeric identifiers that are transferred to your computer through your web browser for record-keeping purposes. Some cookies enable you to log-in to our Services or save certain settings and preferences, while others allow us to track usage and activities on our Services, personalize content, or deliver more relevant ads. Most web browsers automatically accept cookies, but if you prefer, you can edit your browser options to block them in the future. The “Help” tab on the toolbar on most browsers will tell you how to prevent your computer from accepting new cookies, how to have the browser notify you when you receive a new cookie, or how to disable cookies altogether. If you block cookies, however, certain features on our website may not be available or function properly.

Third parties may use cookies and other similar technologies to collect or receive information from our Site and elsewhere on the Internet and use that information to provide you with targeted ads. If you would like to opt-out of such advertising practices on the particular device on which you are accessing this Privacy Policy, please go to <http://optout.aboutads.info/>. The Network Advertising Initiative also offers a means to opt-out of a number of advertising cookies. Please visit <http://www.networkadvertising.org> to learn more. Note that opting-out does not mean you will no longer receive online advertising. It does mean that the company or companies from which you opted-out will no longer deliver ads tailored to your preferences and usage patterns.

## Pixel tags and embedded script (aka clear GIFs and web beacons).

Pixel tags are tiny graphics with a unique identifier, similar in function to cookies. In contrast to cookies, which are stored on your computer’s hard drive, pixel tags are embedded invisibly on web pages. We may use these, in connection with our Website to, among other things, track the activities of the users of our Services, improve ads, personalize and manage content, and gather usage information about our Website. We may also use these in HTML emails to help us track email response rates, identify when our emails are viewed, and track whether our emails are forwarded.

## Third-Party Analytics Tools.

Our Website uses automated devices and applications operated by third parties, such as Google Analytics, which uses cookies and similar technologies to collect and analyze information about use of the Website and report on activities and trends. This service may also collect information regarding the use of other websites, apps and online resources. You can learn about Google's practices by going to [www.google.com/policies/privacy/partners/](http://www.google.com/policies/privacy/partners/), and you can opt out of them by downloading the Google Analytics opt-out browser add-on, available at <https://tools.google.com/dlpage/gaoptout>.

## **Your Options and Rights**

If at any time you would like to unsubscribe from receiving future emails, you can click the unsubscribe link at the bottom of any email newsletter, or email us at [privacy@flynnrg.com](mailto:privacy@flynnrg.com) and we will promptly remove you from all correspondence.

## **Your Privacy Rights**

Unless otherwise required by applicable law, the following terms shall have the following meaning:

**“Personal Information”** means any information that directly or indirectly identifies, relates to, describes, or is reasonably capable of being associated, linked or linkable with a particular individual or household.

**“Process” or “processing”** means any operation or set of operations performed, whether by manual or automated means, on personal data or on sets of personal data, such as the collection, use, storage, disclosure, analysis, deletion or modification of personal data.

**“Targeted advertising” or “Cross-context behavioral advertising”** means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained from that consumer’s activities over time and across nonaffiliated websites or online applications to predict such consumer’s preferences or interests.

**“Sale”** means renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer’s personal information by the business to a third party for monetary or other valuable consideration.

**“Profiling”** means any form of automated processing of personal information to evaluate certain personal aspects relating to a natural person and in particular to analyze or predict aspects concerning that natural person’s performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

US data protection laws grant California, Colorado, Virginia, Utah, and Connecticut residents the following data rights:

#### Right to Know and to Access

You have the right to request that we disclose certain information to you about our collection and use of your Personal Information over the past 12 months. This information is disclosed in the “Information We Collect” Section of this Privacy Policy.

You also have the right to request access to Personal Information collected about you and information regarding the source of that information, the purposes for which we collect it, and the third parties and service providers with whom we share it. You may submit such a request as described below. To protect our customers’ Personal Information, we are required to verify your identity before we can act on your request.

#### Right to Portability

You have the right to request that we provide a copy of the Personal Information we have collected about you, in a portable and, to the extent technically feasible, readily usable format that allows you to transmit the data to another entity without hindrance. Once we receive your request and confirm your identity, we will provide to you a copy of your data as required under the applicable data protection laws. We may provide this data to you through your user account with us, or via email to the email address you have provided with your request.

#### Right to Delete

Subject to certain exceptions, you have the right to request that we delete any of your Personal Information. Once we receive your request and confirm your identity, we will review your request to see if an exception allowing us to retain the information applies. We will delete or deidentify Personal Information not subject to one of these exceptions from our records and will direct our service providers to take similar action.

#### Right to Correct

Subject to certain exceptions, you have the right to request that we correct inaccurate Personal Information that we have collected about you. Once we receive your request and confirm your identity, we will review your request, taking into account the nature of the personal information and the purposes of the processing of the personal information to see if we can correct the data. We may also request additional information showing that the information you want to correct is inaccurate.

#### Right to Opt-out

You have the right to opt-out of processing of your Personal Information for the purpose of (i) targeted advertising, (ii) sale of Personal Information, or (iii) profiling to provide you with tailored content, including suggested advertising. We do not process your Personal Information for the purpose of (i) targeted advertising, (ii) sale of Personal Information, or (iii) profiling, as those terms are defined in the applicable laws.

#### Non-Discrimination

We will not discriminate against you for exercising any of your data privacy rights.

#### How to Submit a Request

You may submit a request to exercise your rights through one of two means:

- (1) By filling out a Consumer Data Request Form available [here](#).
- (2) By calling us toll-free at 1-855-575-7220.

#### Verification Procedures

In order to process your request to exercise your rights, we must first verify it. We do this by asking you to:

- Provide personal identifiers we can match against information we may have collected from you previously; and
- Confirm your request using the email and/or telephone account stated in the request; or

We will not collect additional Personal Information from you for the sole purpose of your exercising your rights under the data protection laws. Similarly, we will not require you to create an account with us, solely for the purpose of exercising your rights under the data protection laws.

#### Authorized Agent



You may authorize another individual or a business registered with the California Secretary of State, called an authorized agent, to make requests on your behalf. We require that you and the individual complete notarized affidavits in order to verify the identity of the authorized agent and confirm that you have authorized them to act on your behalf. Parents of minor children may submit a birth certificate of the child in lieu of an affidavit, in order to make requests on the child's behalf. Please see our required affidavits: Affidavit of Identity and Affidavit of Authorized Consumer Representative.

### **Additional Rights for California Residents**

#### Financial Incentive Program.

We do not offer any financial incentives as those are defined under the applicable data protection laws.

#### California Shine the Light

Residents of the State of California have the right to request information about other companies to whom the company has disclosed certain categories of personal information during the preceding year for those companies' direct marketing purposes. If you are a California resident and would like to make such a request, please email [privacy@flynnrg.com](mailto:privacy@flynnrg.com) or write to us or call us at

Flynn Group  
225 Bush Street, Suite 1800  
San Francisco, CA 94104  
Attn: Legal Department, Privacy Inquiries  
1-855-575-7220

### **Virginia and Colorado Residents**

#### Right to Appeal

If you make a request to exercise any of the above data access rights and we are unable to comply with your request, you may request to appeal our decision. To appeal any data privacy request decision, please contact us by emailing [privacy@flynnrg.com](mailto:privacy@flynnrg.com) with the subject line "Data Access Request Appeal." If after you complete the appeal process with us, you are still not satisfied with our response, you may contact your Attorney General to file a complaint. Below are the contact information for the appropriate entity where you can inquire about filing an appeal:

##### Virginia residents:

Office of the Attorney General  
202 North 9th Street  
Richmond, Virginia 23219  
Phone: (804) 786-2071  
<https://www.oag.state.va.us/>

##### Colorado residents:

Office of the Attorney General

Colorado Department of Law  
Ralph L. Carr Judicial Building  
1300 Broadway, 10th Floor  
Denver, CO 80203  
(720) 508-6000  
<https://coag.gov/>

#### Special Information for Nevada Residents

Residents of the State of Nevada have the right to opt out of the sale of certain pieces of their information to other companies who will sell or license their information to others. At this time, Flynn does not engage in the sale of information.

#### **Changes to This Policy**

We may make changes to this Policy from time to time. We will post any changes, and such changes will become effective when they are posted. The date of the most recent update is listed under the “Effective Date” at the top of this Policy. Your continued use of our Services following the posting of any changes will mean you accept those changes.

For questions about our privacy practices, contact us at:

Flynn Group  
225 Bush Street, Suite 1800  
San Francisco, CA 94104  
Email: [privacy@flynnrg.com](mailto:privacy@flynnrg.com)  
1-855-575-7220