

Smashburger Privacy Policy

Last Updated: March 20, 2017

Smashburger Servicing LLC and its affiliates, including but not limited to Smashburger IP Holder LLC and Smashburger Franchising LLC (collectively, "Smashburger," "we," or "our") recognizes and respects the privacy of visitors to its website located at www.Smashburger.com (the "Smashburger Website"). We have developed certain privacy practices in order to maintain these standards and to comply with applicable laws, rules, and regulations. This Privacy Policy describes our privacy practices, including the types of information we may collect from you when you visit the Smashburger Website, use the Smashburger mobile application ("Mobile App") and use or visit any other online services or programs where the Smashburger Terms & Conditions or this Privacy Policy is posted or linked (collectively, the "Online Services"). This Privacy Policy also describes how we use the information we collect, with whom we share it, and the choices we offer you regarding our collection and use of such information.

Please read this Privacy Policy carefully. By using the Online Services, you agree to the terms of this Privacy Policy. If you do not agree with the terms of this Privacy Policy, please do not use the Online Services.

Types of Information We Collect

Smashburger does not require visitors to submit personal information (meaning information about a visitor that can uniquely identify the visitor) to Smashburger while visiting the Smashburger Website; however, we do require visitors to submit personal information to register for specific online promotions or to participate in certain rewards programs, online programs, surveys, or other transactions or activities. On any particular registration page for the Online Services, we may request personal information such as the visitor's date of birth, gender, email address, telephone number, and/or other contact and demographic information related to the particular promotion, program, survey, or transaction.

When you visit the Smashburger Website, we may also collect certain non-personal information by automated means, such as cookies. A "cookie" is a text file that websites send to a visitor's computer or other Internet-connected device to uniquely identify the visitor's browser or to store information or settings in the browser. We may also use third-party website analytics tools (such as Google Analytics) that collect information about user traffic on the Smashburger Website.

The information we may collect by automated means may include, but is not limited to, the following:

- ∞ information about the devices you use to access the Internet (such as the IP address and the type of the device, operating system, and web browser);
- ∞ dates, times, and duration of visits to the Smashburger Website (including whether you are a repeat or first time visitor); and
- ∞ information on actions taken on the Smashburger Website (such as page views and site navigation patterns).

Your web browser may let you choose your preference as to whether you want to allow websites to collect personal information over time about your online activities across different websites or online services. At this time the Smashburger Website does not respond to the preferences you may have set in your web browser regarding the collection of your information, and the Smashburger Website may continue to collect information in the manner described in this Privacy Policy. We may enable third parties to collect information in connection with the Smashburger Website. This Privacy Policy does not apply to, and we are not responsible for, any collection of information by third parties on the Smashburger Website.

In addition, various browsers offer a “do not track” or “DNT” option which sends a signal to websites’ visited by a user about the user’s browser DNT preference setting. Smashburger does not currently respond to browsers’ DNT signals with respect to the Smashburger Website, in part, because no common industry standard for DNT has been adopted by industry groups, technology companies or regulators, including no consistent standard of interpreting user intent. Smashburger takes privacy and meaningful choice seriously and will make efforts to continue to monitor developments around DNT browser technology and the implementation of a standard.

Mobile Applications

Mobile applications and mobile versions of the Smashburger Website may collect precise information about the location of your mobile device using location awareness technologies such as GPS, Wi-Fi, Bluetooth or cell tower proximity. Smashburger uses this information for location-based services that you request such as locating nearby Smashburger restaurants or identifying special offers that may be of interest to you, or personalizing your interactions with Smashburger. For most mobile devices, you are able to withdraw your permission for us to acquire this information on your location through the device settings. If you have questions about how to disable your mobile device’s location services, we recommend you contact your mobile device service provider or the device manufacturer. If you would like us to delete location information we have collected, please contact us at the email or postal address listed below. Please note that the applications may not function properly following deletion, and that we may be required by law to retain certain information.

In addition to the information described above, we and our third-party service providers may collect additional information when you utilize any of our mobile applications, including the type

of mobile device you use, the temporary or persistent unique device identifiers (sometimes called UDID), the IP address of your mobile device, your mobile operating system, the type of mobile Internet browsers you use, and information about the way you use our mobile applications.

How We Use the Information We Collect

We may use your information to:

- ∞ register you for an account on the Online Services, including a Rewards or other loyalty program account, and manage and maintain your account;
- ∞ administer surveys, contests, sweepstakes, or other promotions through our Online Services or through social media;
- ∞ provide you with products and services you request;
- ∞ send you emails or other information or materials you request;
- ∞ respond to your questions and comments and provide customer support;
- ∞ communicate with you about our and our affiliates' products, services, offers, and promotions;
- ∞ operate, evaluate, and improve our business and the products and services we offer; and
- ∞ comply with applicable legal requirements and industry standards.

Smashburger might also use your personal information, alone or in combination with the information submitted by other users, to improve the Online Service's navigation or infrastructure and in internal marketing analyses or reviews. In addition, we may use the information collected through cookies to identify and authenticate visitors so that we can provide more customized information and services to visitors, and to improve and update our sites, products, and services. We also may use the information we obtain about you in other ways for which we provide notice at the time of collection.

Information We Share

We may disclose aggregated information about visitors without restriction. Smashburger does not sell, rent, individually post, or otherwise disclose any personal information about visitors to unrelated third parties for marketing purposes. However, the personal information that you provide will be available to Smashburger, our affiliates, agents, representatives, franchisees, and trusted service providers and contractors, as appropriate, to be used for the purposes indicated at the time you voluntarily provide such personal information and to support our business.

In addition, we may disclose your personal information to (1) comply with any court order, law, or legal process, including to respond to any government or regulatory request, and/or (2) if we

believe disclosure is necessary or appropriate to protect the rights, property, or safety of Smashburger, Online Services visitors, or others.

We also reserve the right to transfer your personal information to a buyer or other transferee in the event of a merger, divestiture, restructuring, reorganization, dissolution, sale, or other transfer of some or all of our assets. Should such a sale, merger, or transfer occur, we will use reasonable efforts to direct the transferee to use your personal information in a manner that is consistent with our Privacy Policy.

If you place an order on the Online Services, our third party service provider NCR Corporation may collect or receive certain information about you, including, but not limited to, your credit or debit card number, expiration date, and other payment details in order to process your payment. Please be advised that we do not store your payment information. We recommend that you read NCR Corporation's Privacy Policy (available at <http://www.ncr.com/home/privacy-policy>), so that you understand the manner in which your payment and other information will be handled by NCR Corporation.

Your Choices

We offer you the following choices about what information we collect from you and how we communicate with you:

Cookies. Most browsers will tell you how to stop accepting new cookies, how to be notified when you receive a new cookie, and how to disable existing cookies. Please note, however, that without cookies you may not be able to take full advantage of all of the Smashburger Website's features.

Promotional Emails. If we have sent you a marketing email, you may choose not to receive additional marketing emails from us by following the unsubscribe instructions contained in each email. Upon receipt and processing of an opt-out request, Smashburger will, within a commercially reasonable amount of time, remove your information from any email lists used to provide you with special offers from Smashburger or its affiliates in the future.

Web Analytics. You may opt-out of the aggregation and analysis of data collected about you on the Smashburger Website by our web analytics vendor by visiting <https://tools.google.com/dlpage/gaoptout> and downloading and installing the Google Analytics Opt-out Browser Add-on.

Your California Privacy Rights

California Civil Code Section § 1798.83 permits users of the Online Services 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 email to feedback@smashburger.com.

Accessing and Correcting Your Information

You can review and change your personal information by logging into your account on the Online Services and visiting your account profile page.

Children Under the Age of 13

The Online Services is not directed to, and Smashburger does not knowingly collect or solicit personal information from, children under the age of 13. If we learn we have collected or received personal information from a child under the age of 13, we will delete that information. If you believe we might have any information from or about a child under the age of 13, please

contact us at feedback@smashburger.com.

Changes to Our Privacy Policy

Smashburger reserves the right to update or change this Privacy Policy at any time. If we make a material change to our Privacy Policy, we will indicate on the Online Services that our privacy practices have changed and will provide a link to the new policy. In the event we make a material change to how we use your personal information, we will provide you with an opportunity to opt out of such new or different use. The date this Privacy Policy was last revised is at the top of this page. You are responsible for periodically reviewing the Online Services and this Privacy Policy to check for any updates or changes.

Contact Us

If you have any questions or comments about the Online Services or this Privacy Policy, you may email us at feedback@smashburger.com or call us at 303-633-1500.