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TDM PRIVACY STATEMENT

TDM FRANCHISING, LLC
Lynnwood, Washington

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1. SCOPE

Your privacy is very important to TDM Franchising, LLC, (“TDM”, “we” or “us”). TDM is the franchisor of the TACO DEL MAR® system for the United States. This Privacy Statement discloses how TDM collects, protects, uses and shares Personal Information gathered about you, whether in writing, verbally, electronically, or while you interact with either the website located at www.tacodelmar.com, (together with any and all future websites operated by or on behalf of TDM, the “Websites”). TDM’s privacy practices are consistent with all applicable country, national, state, and local Data Protection and Security Laws.

TDM shares Personal Information with the following TACO DEL MAR® affiliated entities:

- (1) TDM IP Holder, LLC (“TDM IP Holder”), the owner and licensor of the TACO DEL MAR trademark and TACO DEL MAR Restaurant System.
- (2) TDM Franchising of Canada, ULC (“TDMFC”), the franchisor of the TACO DEL MAR® system for Canada.

To carry out its functions, the above affiliated entities will share Personal Information amongst themselves.

All Personal Information is collected in a fair and non-intrusive manner, with your voluntary consent. Personal Information is not accessible to anyone outside the specific function for which it is collected. TDM respects the privacy of our TACO DEL MAR® customers, employees, job applicants, and other visitors to TDM’s websites who may choose to provide Personal Information. TDM recognizes the need for appropriate protections and management of Personal Information that you provide to TDM. TDM’s Privacy Statement will assist you to understand what types of Personal Information TDM may collect, how

TDM may use your Personal Information, and with whom TDM may share your Personal Information with.

TACO DEL MAR® restaurants are independently owned and operated by TACO DEL MAR® franchisees. This Privacy Statement also does not govern the privacy practices and procedures of those franchisees, including any email or other marketing campaigns those franchisees may conduct. Nor does this Privacy Statement apply to information collected by the TDM through channels other than the Sites.

2. Key Definitions

For purposes of this Privacy Statement, the following definitions apply:

- **Data Subject** is an identified or identifiable natural person.
- **Personal Information** is any information or set of information about an identified or identifiable natural person, including, but not limited to: (a) first name or initial and last name; (b) home or other physical address; (c) telephone number; (d) email address or online identifier associated with the person; (e) Social Security number or other similar identifier; (f) employment, financial or health information; or (g) any other information relating to a person that is combined with any of the above. The term “Personal Information” does not include anonymized information or information that is reported in the aggregate (provided that such aggregated information is not identifiable to a natural person).
- **Process or Processing** of Personal Information means any operation or set of operations which is performed upon Personal Information, whether or not by automated means, such as such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure or dissemination, and erasure or destruction.
- **Sensitive Data or Sensitive Personal Information** is a subset of Personal Information that may include, but is not limited to, an individual’s racial or ethnic origins; political opinions; religious or philosophical beliefs; trade union membership; physical or mental health or disabilities; sex life, sexual orientation; biometric data where Processed to uniquely identify a person; or criminal (or alleged criminal) activities, proceedings or convictions.

3. NOTICE – WHAT PERSONAL INFORMATION DO WE COLLECT AND WHERE DO WE KEEP IT?

The types of Personal Information we may collect (directly from you or from third party-sources) and our privacy practices depend on the nature of the relationship you have with TDM and the requirements of applicable law. We endeavor to collect information only to the extent relevant for the purposes of Processing. Below are the legal bases and some of the ways we collect information and how we use it.

3.1. Prospective Employees

If you submit an application for employment with TDM, the Personal Information collected may include, but is not limited to: name, address, telephone number, facsimile number, email address, date of birth, citizenship, professional and educational background experience, such as information that may be recorded on a resume or application form, criminal background, bank account information for Electronic Funds Transfer, financial statement, and taxpayer identification number. TDM may need to obtain Personal Information about you from third parties in order to supplement, update or verify your information, and/or to process your application for consideration as a TDM employee. Applicable law may require that you authorize a third party to share your Personal Information with TDM before we can acquire it. Failure to provide any requested information may negatively impact consideration of your employment application. By applying to become an employee of TDM, you consent to our collection, use, and disclosure of your Personal Information in this manner.

All information, including Personal Information submitted by you as part of the application process, will become part of your employee file should you become an employee. Employees' Personal Information is governed by separate policies and not by this Privacy Statement.

Prospective employees' Personal Information is collected for use in connection with your expression of interest in employment with TDM or its affiliates, either for a specific position or, unless you advise us otherwise in writing, for reference in connection with potentially available future positions.

Please note that this Privacy Statement ***does not*** apply to TACO DEL MAR® restaurant employment applications submitted through the TACO DEL MAR® website, which are transmitted directly to independently-owned and operated franchisees who are seeking employees in the relevant market area.

3.2. Consumers

TDM collects consumer information in a number of ways.

3.2.1.1. Information You Voluntarily Provide Us

You may choose to communicate with us in some of the following ways:

- Consumer-facing programs, including but not limited to subscription services, email information, newsletters, and news and offers;
- TACO DEL MAR® account user registration;
- Placing an order from a TACO DEL MAR restaurant through one of the Sites;
- Various contests, promotions, competitions or sweepstakes (collectively, "Promotions");
- Surveys; and
- When you contact us by telephone, email, or postal mail with a question or concern.

In each case, we collect Personal Information that you voluntarily provide us, including first and last name, email address, mobile telephone number, user name and password (if you have registered a TACO DEL MAR® account), payment information and transaction details (if you place an order with a TACO DEL MAR® franchisee through the Sites).

TDM will not collect customer Personal Information, unless the customer contacts TDM directly. In order to adequately address a customer's concerns, your Personal Information may be shared with the appropriate TDM affiliates, such as, but not limited to: the TACO DEL MAR®, and/or relevant TACO DEL MAR® franchisees, as well as, third-party service providers.

3.2.1.2. Information Collected Automatically

As detailed in Section 3.4, the Sites also collect Personal Information automatically, including IP address, device ID, your location information and information concerning the type of mobile or other access device

you are using. Some of that information collection can be modified by adjusting your browser or device settings.

TDM also maintains a robust social media presence and activities. Those activities include:

3.2.1.3. Forward-To-A-Friend and Refer-A-Friend

The Sites contain referral features that allow you to inform a friend about a TDM web page or promotion. TDM may use any email address provided when using this referral feature to send both an initial email and a subsequent email to recipients about the particular promotion, product or service in which you indicated your "friend" may have an interest. We will not send emails to recipients who have opted out of receipt of promotional emails from us.

3.2.1.4. Other Social Media Activities

From time to time, TDM may maintain social media accounts or engage in other social media activities. In all cases, TDM will comply with the terms of this Privacy Statement and the privacy policies applicable to those social media platforms or networks.

TACO DEL MAR® franchisees may sponsor their own social media pages or websites. Those franchisees and their activities are not subject to this Privacy Statement.

3.3. Franchisees, Prospective Franchisees

If you choose to submit an electronic application seeking consideration as a prospective TACO DEL MAR® franchisee through the Website, you agree that TDM may disclose your Personal Information to our affiliates within the TACO DEL MAR® as well as to third-party service providers as part of the TACO DEL MAR® consideration of your franchise inquiry. Personal Information collected from prospective franchisees may include, but is not limited to: name, address, telephone number, facsimile number, email address, date of birth, citizenship, educational background, criminal and other background checks, bank account information for Electronic Funds Transfer, financial statement, resume, litigation history, and taxpayer identification number.

All information, including Personal Information submitted by you as part of the application process, will become part of your franchise file should you choose to proceed and submit a franchise application.

3.3.1.1. Franchisee Non-Personal Business Contact Information

We may share a franchisee's non-personal business contact information and other business attributes such as (information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number and fax, business address, business email address, business mailing address, business geo-location information, business hours and approved menus) to our search engine and social networking site service providers for the benefit of having your business information accurate and available to the consumers.

Please note, although we do not control our service providers, we do restrict them from using a franchisee's business contact information for any reason other than for the purpose for which we contracted them to do, and to protect a franchisee's business contact information in accordance with all applicable laws and the general privacy principles described in our Privacy Statement.

3.4. All Internet Users - Cookies, Web Beacons, Internet Protocol (IP) Address, Aggregate Information

3.4.1.1. Cookies

Like many other websites, we use data collection devices such as "cookies" on certain web pages to help analyze our web page flow and measure promotional effectiveness. A cookie is a text-only string of information that a website transfers to the cookie file of the browser on your computer's hard disk so that the website can remember who you are. A cookie will typically contain the name of the domain from which the cookie has come, the 'lifetime' of the cookie, and a value, usually a randomly generated unique number. This helps us to provide you with a good experience when you browse our website and also allows us to improve our website and services.

A few important things you should know about cookies:

- TDM offers certain features that are available only through the use of cookies.
- TDM uses cookies to better your website experience.
- TDM uses cookies to help identify you and maintain your signed-in status.
- Most cookies are "session cookies," meaning that they are automatically deleted from your hard drive at the end of a session.
- You may encounter cookies from third parties on certain pages of the websites that TDM ***does not*** control. (For example, if you view a web page created by another user, there may be a cookie placed by that web page.)

You have the ability to accept or decline cookies by modifying the settings in your browser. However, you may not be able to use all the interactive features of the Sites if cookies are disabled.

If you use Sites that employ Flash Player, a small Flash Cookie may be used. The purpose of using these cookies is to store your flash player preferences and to enhance your browsing experience. Flash cookies are stored on your computer in a similar way that standard cookies are stored on your computer, except they are stored in a different location. For that reason, it is not possible to block or manage Flash Cookies directly from your browser.

For additional information, and in order to manage or delete Flash Cookies, please visit Adobe's website by clicking here: <https://helpx.adobe.com/flash-player/kb/disable-local-shared-objects-flash.html>.

3.4.1.2. Web Beacons

TDM uses web beacons, also called "web bugs," "pixel tags" or "clear GIFs, to help manage TDM's online advertising and promotions.

Used in combination with cookies, a web beacon is an often-transparent graphic image, usually no larger than 1 pixel x 1 pixel, which is placed on a website or in an email, that is used to monitor the behavior of the user visiting the website or sending the email. When the HTML code for the web beacon points to a website to retrieve the image, at the same time it can pass along information such as the IP address of the computer that retrieved the image, the time the web beacon was viewed and for how long, the type of browser that retrieved the image and previously set cookie values.

Web beacons are typically used by a third-party to monitor the activity of a website. A web beacon can be detected by viewing the source code of a web page and looking for any IMG tags that load from a different server than the rest of the website. Turning off the browser's cookies will prevent web beacons from tracking the user's activity. The web beacon will still account for an anonymous visit, but the user's unique information will not be recorded.

TDM uses its web beacons to track which advertisements and promotions bring users to TDM's website. This information does not include your name, address, telephone number or email address.

3.4.1.3. Internet Protocol ("IP") Addresses and Log Files

An IP address is associated with your computer or mobile device's connection to the internet. TDM may use your IP address to help diagnose problems with TDM's server, to administer the Sites and to maintain contact with you as you navigate through the Sites. Your computer's IP address also may be used to provide you with information based upon your navigation through the Sites. TDM does not link IP addresses to any Personal Information.

3.4.1.4. Anonymous and Aggregated Information

Anonymized and aggregated information is used for a variety of functions, including the measurement of visitors' interest in and use of various portions or features of the Sites. Anonymized or aggregated information is not Personal Information, and TDM may use such information in a number of ways, including internal analysis, data analytics and research. We also may share anonymized or aggregated information with third parties for our or their purposes, but none of this information will allow anyone to identify you or to determine anything else personal about you.

4. NOTICE – WHAT DO WE DO WITH THE PERSONAL INFORMATION WE COLLECT?

First, of course, we use the Personal Information you provide us or that we collect to provide you with the products, services or information you have requested or to improve the functionality or your experience using our Sites.

We also may use your Personal Information to provide you with information concerning TACO DEL MAR® products or services in which we think you may have interest.

On some pages of our Website we may allow third-party advertising partners to set web tracking tools (e.g., cookies and web beacons) to collect anonymous, non-Personal Information regarding your activities on those pages (e.g., your IP address, page(s) visited, time of day). We may also share such information we have collected with third-party advertising partners. These advertising partners may use this information (and similar information collected from other websites) for purposes of delivering future targeted advertisements to you when you visit other (non-TACO DEL MAR®) websites within their networks. This practice is commonly referred to as "interest-based advertising" or "online behavioral advertising."

Pages of our Website that collect information that may be used by such advertising partners for interest-based advertising purposes may be identified by a link to AdChoices on the page.

5. CHOICE

You have the right to opt out of certain uses and disclosures of your Personal Information, as set out in this Privacy Statement. Prior to disclosing Sensitive Data to a third party or Processing Sensitive Data for a purpose other than its original purpose or the purpose authorized subsequently by you, TDM will endeavor to obtain your explicit consent (opt-in). Where consent for the Processing of Personal Information is otherwise required by law or contract, TDM will comply with the law or contract.

NOTE: If you participate in any Promotion, the Personal Information that you provide TDM will be handled in accordance with the privacy rules applicable to that Promotion to the extent they differ from this Privacy Statement.

5.1. “Do Not Track”

Do Not Track (“DNT”) is a privacy preference that users can set in certain web browsers. DNT is a way for users to inform websites and services that they do not want certain information about their webpage visits collected over time and across websites or online services. TDM is committed to providing you with meaningful choices about the information collected on the Sites for third-party purposes, and that is why TDM provides the Digital Advertising Alliance (“DAA”) opt-out link here <http://www.aboutads.info/choices/>. However, **we do not recognize or respond to browser-initiated DNT signals.**

5.2. CONSENT TO EMAIL COMMUNICATIONS.

Your consent to email communications is set out in the TACO DEL MAR Website Terms of Use. See those Terms of Use for more information.

5.3. Where We Store Your Personal Information

All Personal Information sent or collected via the Sites is stored in the USA, either on our servers, the servers of our affiliates or the servers of our service providers. By using the Sites, you consent to the storage of your Personal Information in these locations.

6. ACCESS

Where allowed by law, you may use any of the methods set out in Section 10 of this Privacy Statement to obtain confirmation that TDM is Processing Personal Information about you, and request access, corrections or deletions to Personal Information held about you by TDM, including where Personal Information is Processed in violation of this Privacy Statement. Such requests will be Processed in line with local laws, where it is legally permissible to do so. Although TDM makes good faith efforts to provide access, there may be circumstances where TDM is unable to do so, including but not limited to: where the information contains legal privilege, would present a security risk, would compromise others' privacy, or where it is commercially proprietary. If TDM determines that access should be restricted in any particular instance, we will endeavor to provide you with an explanation of why that determination has been made and a contact point for any further inquiries.

If necessary, TDM's Privacy Officer will contact another individual to assist in completing your requested task. To protect your privacy, TDM will take commercially reasonable steps to verify your identity before granting access to or making any changes to your Personal Information.

7. DATA INTEGRITY – INFORMATION PURPOSE LIMITATION

TDM retains the Personal Information we receive as described in this Privacy Statement for as long as you use our Sites or as necessary to fulfill the purpose(s) for which it was collected, provide our services, resolve disputes, establish legal defenses, conduct audits, pursue legitimate business purposes, enforce our agreements and comply with all applicable laws. Your consent to such purpose(s) remains valid after termination of TDM's relationship with you.

8. ONWARD SHARING

TDM does not sell Personal Information to third parties. TDM may share Personal Information with our service providers, consultants and affiliates for our and our affiliates' internal business purposes or to provide you with a product or service that you have requested. Except as described in this Privacy Statement, TDM will not share Personal Information with a third party unless a customer or prospective employee requests or consents to such disclosure, or disclosure is required or authorized by law.

Payment information will be used and shared only to effectuate your order and may be stored by our service provider for purposes of future orders.

TDM requires our service providers to agree in writing to maintain the confidentiality and security of Personal Information they maintain on behalf of TDM, including to provide at least the same level of protection as required by all applicable country, national, state, and local Data Protection and Security Laws, not to use it for any purpose other than the purpose for which TDM retained them and to notify TDM if they make a determination they can no longer comply with that obligation. With respect to onward transfers to third-party agents certain Data Protection Laws require that TDM remain liable should such agents Process Personal Information in a manner inconsistent with their countries Data Protection Principles.

Your Personal Information is considered a company asset and may be disclosed or transferred to a third party in the event of a proposed or actual purchase, any reorganization, sale, lease, merger, joint venture, assignment, amalgamation or any other type of acquisition, disposal or financing of all or any portion of our business or of any of the business assets or shares (including in connection with any bankruptcy or similar proceeding) of TDM or a division thereof, in order for you to continue to receive the same products and services from, or to continue the same or similar relationship with, the third party.

Although TDM makes every effort to preserve user privacy, TDM reserves the right to disclose Personal Information to a third party in certain limited circumstances, including: (i) to comply with a law, regulation, search warrant, subpoena, judicial proceeding, a court or administrative order, or as otherwise may be required by law; (ii) in response to lawful requests by public authorities, including to meet national security or law enforcement requirements; (iii) to enforce TDM policies or contracts; (iv) to collect amounts owed to TDM; (v) to protect users of the Sites from fraudulent or abusive use; (vi) during emergencies when safety is at risk, as determined by TDM; (vii) where necessary for the establishment, exercise or defense of legal claims; (viii) in the good faith belief that disclosure is otherwise necessary or advisable. In addition, from time to time, server logs may be reviewed for security purposes – for example, to detect unauthorized activity on the Site. In such cases, server log data, containing IP addresses, would be shared with law enforcement bodies in order that they may identify users in connection with their investigation of the unauthorized activities.

9. SECURITY

Although "guaranteed security" does not exist, TDM and our affiliates and service providers use commercially reasonable measures (including all steps required by applicable law) that are designed to safeguard your Personal Information against loss, unauthorized access, use, modification, disclosure or other misuse.

Our payment processing service provider handles all payment information in connection with the Sites and is required to be PCI-compliant.

10. PRIVACY OFFICER CONTACT INFORMATION

If after reviewing this Privacy Statement, you would like to submit a request or you have any questions or privacy concerns, please contact:

TDM Privacy Officer
C/O Taco Del Mar
4700 S Syracuse St Ste 640
Denver, CO 80237
Telephone Number: (720)359-3300
Facsimile: (720)359-3399

Email Address: privacyofficer@tacodelmar.com

TDM will address your concerns and attempt to resolve any privacy issues in a timely manner. If necessary, the Privacy Officer will contact another individual to assist in completing your requested task.

11. OTHER RIGHTS AND INFORMATION

11.1. Information Regarding Children

The Sites are not targeted towards children under the age of thirteen (13). TDM does understand that children under the age of thirteen (13) may still try to contact TDM and in so doing may voluntarily provide Personal Information to us. If you are a child under the age of thirteen (13), **PLEASE DO NOT** submit any Personal Information on the Sites. If you are a parent or legal guardian of a child whom you believe has submitted Personal Information to us, please contact our Privacy Officer using one of the methods set out in Section 10 of this Privacy Statement, and we will take prompt action to delete such information in accordance with applicable law.

11.2. Links to Third-Party Websites

Please note that the Sites may contain links to other websites for your convenience and information. TDM ***does not*** control third-party websites or their privacy practices, which may differ from those set out in this Privacy Statement. TDM does not endorse or make any representations about third-party websites. The Personal Information you choose to give to unrelated third parties is not covered by this Privacy Statement. TDM encourages you to review the privacy policies of other websites before submitting your Personal Information. Some third parties may choose to share their users' Personal Information with TDM; that sharing is governed by that company's privacy policy, not this Privacy Statement.

11.3. Changes to the Privacy Statement

TDM may update this Privacy Statement from time to time. When TDM posts changes to this Privacy Statement, we will also revise the "**LAST REVISED**" date posted at the top of the Privacy Statement. If there are any material changes to this Privacy Statement, TDM will notify you by email, by means of a notice on our home page or as otherwise required by applicable law. TDM encourages you to review this Privacy Statement periodically to be informed of how TDM is protecting your information and to be aware of any changes to TDM's Privacy Statement. Your continued use of the Sites after the posting or notice of any amended Privacy Statement shall constitute your agreement to be bound by any such changes.

Any changes to this Privacy Statement take effect immediately after being posted by TDM.

11.4. Other Relevant Policies

This Privacy Statement may be supplemented by one or more country- or application-specific privacy statements or terms of use (each a "Specific Policy"). In the event of conflict between this Privacy Statement and any such Specific Policy, the applicable Specific Policy will control, except that in all cases, where applicable, the Privacy Shield Principles will prevail over any contrary provision regardless of the Specific Policy in which such provision appears.