

## **Privacy Policy**

We at Foody123, Inc. (“Foody123,” “we,” “us,” or “our”) have created this privacy policy (this “Privacy Policy”) because we know that you care about how information you provide to us is used and shared. This Privacy Policy relates to the information collection and use practices of Foody123 in connection with our Direct ordering Platform, Discover marketplace Platform and our other Services.

By using our Services, you are agreeing to the terms of this Privacy Policy and the accompanying Terms of Service.

Capitalized terms not defined in this Privacy Policy shall have the meaning set forth in our Terms of Service.

When you provide us with any Personal Information (as defined below), you consent to Foody123’s collection, use, disclosure, and retention of your information in accordance with this Privacy Policy and as otherwise permitted by law.

### **THE INFORMATION WE COLLECT**

#### **1. PERSONAL INFORMATION**

When you sign up to become a Registered User or enter a promotion or our referral program, you may be required to provide us with personal information about yourself, such as your name, address, phone number, and e-mail address (collectively, the “Personal Information”). We do not collect any Personal Information from you when you use our Services unless you provide us with the Personal Information voluntarily (for example, by registering to use the Services or joining our e-mail list).

#### **2. BILLING INFORMATION**

In order to submit orders through the Platform, you will be required to provide certain information in addition to the Personal Information noted above. Such information may include a debit card number, credit card number, billing address, and similar information (collectively, the “Billing Information”).

#### **3. GEOLOCATIONAL INFORMATION**

In order to provide access to the Services while you are using a mobile device, we automatically collect geolocational information from your mobile device, your wireless carrier, or certain third-party service providers (“Geolocational Information”). Collection of such Geolocational Information occurs only when the Services are running on your mobile device. You may control the collection of Geolocational Information through the user settings on your device. You may decline to allow us to collect such Geolocational Information, in which case Foody123 will not be

able to provide certain services to you. Please be sure to manage your mobile device and privacy preferences on the Platform on an ongoing basis.

Note that Foody123 uses Google Maps and the Google Maps API as part of our online ordering system. By using Foody123's web, or Android ordering systems you are also bound to the Google Maps APIs Terms of Service found here:

<https://developers.google.com/maps/terms-20180207#3-privacy-and-personal-information>. Also, please be advised that your use of Google Pay or Apple Pay is subject to the terms and conditions, including the privacy policies, of Google and Apple, respectively. By using Google Pay, you hereby accept the Google Pay API Terms of Service found here:

<https://payments.developers.google.com/terms/sellertos>.

#### 4. OTHER INFORMATION

In addition to the Personal Information, the Billing Information, and the Geolocational Information, we may collect additional information regarding you and your use of our Services, your interactions with us and our advertising, as well as information regarding your computer or other devices used to access our Services (collectively, the "Other Information"). Such Other Information may include:

From You. Additional information about yourself that you voluntarily provide to us, such as your food orders, gender, birthdate, interests, favorite foods, and favorite restaurants.

From Your Activity. Information that we automatically collect when you use the Services, such as (i) information about the device from which you access the Services (i.e., the type of device, the advertising identifier ("IDFA" or "AdID"), the operating system and version (for example iOS, Android or Windows), your carrier and network type (WiFi, 3G, 4G, LTE); (ii) your IP addresses (which may consist of a static or dynamic IP address and will sometimes point to a specific identifiable computer or device); (iii) browser type and language; (iv) referring and exit pages and URLs; (v) date and time; (vi) amount of time spent on particular pages; (vii) what features of the Services you use or visit, including your use of either Direct or Discover (or both); (viii) what you order and from which restaurants; and (ix) similar information concerning your use of the Services.

From Cookies. Information that we collect using "cookie" technology. Cookies are small packets of data that a website stores on your computer's hard drive so that your computer will "remember" information about your visit. We use cookies to help us collect Other Information and to enhance your experience using the Services. Specifically, we use cookies to authenticate users, personalize your experience when using the Services, analyze which features of the Services you use most frequently, and measure and optimize advertising and promotional effectiveness. To do this, we may use both session cookies, which expire once you close your web browser, and persistent cookies, which stay on your computer until you delete them. If you do not want the Services to place a cookie on your hard drive, you may be able to turn that feature off on your computer or mobile device. Please consult your Internet browser's documentation for information on how to do this. However, if you decide not to accept cookies

from us, the Services may not function properly. When the Services are made available to you through Facebook (via our Plugin) and/or other third-party sites, please be aware that these other sites maintain their own policies regarding cookies and the collection and use of information. You are responsible for reviewing those policies.

**From Other Sources.** Information that we collect or receive from Facebook and/or other sites on which you have used the Services in accordance with their terms of use and privacy policies and applicable law.

**Third-Party Analytics.** We use third-party analytics services (such as Google Analytics) to evaluate your use of the Services, compile reports on activity, collect demographic data, analyze performance metrics, and collect and evaluate other information relating to the Services and mobile and Internet usage. These third parties use cookies and other technologies to help analyze and provide us the data. By accessing and using the Services, you consent to the processing of data about you by these analytics providers in the manner and for the purposes set out in this Privacy Policy. The information used by such analytics services is generally at the aggregate level. To the extent any such information is at the individual level or is used for secondary marketing purposes, Canadian users may opt-out of such collection or use by sending an e-mail to [info@Foody123.com](mailto:info@Foody123.com)

For more information on Google Analytics, including how to opt out from certain data collection, please visit <https://www.google.com/analytics>. Please be advised that if you opt out of any service, you may not be able to use the full functionality of the Services.

**THE INFORMATION COLLECTED THROUGH THIRD--PARTY ADVERTISING COMPANIES**  
We share Other Information about your activity in connection with your use of the Services with third parties for the purpose of tailoring, analyzing, managing, reporting, and optimizing advertising you see on the Platform, the Website, the Apps, the Plugin, and elsewhere. These third parties may use cookies, pixel tags (also called web beacons or clear gifs), and/or other technologies to collect such Other Information for such purposes. Pixel tags enable us, and these third-party advertisers, to recognize a browser's cookie when a browser visits the site on which the pixel tag is located in order to learn which advertisement brings a user to a given site. By using the Services, you consent to this collection.

#### **ACCESSING AND MODIFYING PERSONAL INFORMATION AND COMMUNICATION PREFERENCES**

If you have registered for the Services, you may access, review, and make changes to your Personal Information, Billing Information, and certain Other Information by following the instructions found on the Website, our ordering widget on a restaurant's website, a Restaurant App, or the Foody123 App. In addition, you may manage your receipt of marketing and non-transactional communications by clicking on the "unsubscribe" link located on the bottom of any Foody123 marketing email. Registered Users cannot opt out of receiving transactional e-mails related to their account. We will use commercially reasonable efforts to process such requests in a timely manner. You should be aware, however, that it is not always possible to

completely remove or modify information in our subscription databases. In such case, we will provide you the reason why the modification or removal was not possible.

## HOW WE USE AND SHARE INFORMATION

We use the Personal Information and the Other Information to provide you access to and use of the Services, solicit your feedback, inform you about our products and services and those of our third-party marketing partners, to administer our rewards, referral, and promotional programs, and to improve our service to you. We use the Billing Information to process your orders, and we use the Geolocational Information to recommend nearby restaurants to you. Also, we may share Personal Information, Billing Information, Geolocational Information, and/or Other Information as described below.

In order to provide you our services, we need to share your name, phone number, meal order, and, if you are ordering for delivery, your physical address with the restaurants from which you order and with any third parties that are involved in, or provide services in connection with, such orders, such as delivery services, licensees of our Platform, and similar parties. Such parties will use such information in accordance with the terms of their privacy policies.

In order to administer our rewards, referral, and promotional programs, we may share your Personal Information and Other Information with the restaurants from which you order and delivery services that deliver your orders.

We may from time to time share Personal Information and/or Other Information with other companies who may provide you information about the products and services they offer. However, to the extent required by law, you will be given the opportunity to opt-out of such sharing.

In an ongoing effort to better understand our users and our Services, we might analyze the Other Information and the Geolocational Information in aggregate form in order to operate, maintain, manage, and improve the Services. This aggregate information does not identify you personally. We may share this aggregate data with our affiliates, agents, and business partners. We may also disclose aggregated user statistics in order to describe our products and services to current and prospective business partners and to other third parties for other lawful purposes. We may employ other companies and individuals to perform functions on our behalf. Examples may include providing marketing assistance, order fulfillment, billing, and customer service. These other companies will have access to the Personal Information, the Billing Information, the Geolocational Information, and the Other Information only as necessary to perform their functions and to the extent permitted by law.

As we develop our businesses, we might sell or buy businesses or assets. In the event of a corporate sale, merger, reorganization, sale of assets, dissolution, or similar event, the Personal Information, Billing Information, Geolocational Information, and Other Information may be part of the transferred assets.

To the extent permitted by law, we may also disclose Personal Information, the Billing Information, the Geolocational Information, and the Other Information when required by law, court order, or other government or law enforcement authority or regulatory agency, or

whenever we believe that disclosing such information is necessary or advisable, for example, to protect the rights, property, or safety of Foody123 or others.

We will take reasonable measures to require that the party receiving any of your Personal Information undertakes to: (i) retain and use such information only for the purposes set out in this Privacy Policy; (ii) not disclose your Personal Information except with your consent, as permitted by law, or as permitted by this Privacy Policy; and (iii) generally protect the privacy of your Personal Information.

## HOW WE PROTECT YOUR INFORMATION

We take commercially reasonable steps to protect the Personal Information, the Billing Information, the Geolocational Information, and the Other Information from loss, misuse, and unauthorized access, disclosure, alteration, or destruction. Please understand, however, that no security system is impenetrable. We cannot guarantee the security of our databases, nor can we guarantee that the information you supply will not be intercepted while being transmitted to and from us over the Internet. In particular, e-mail sent to or from the Platform may not be secure, and you should therefore take special care in deciding what information you send to us via e-mail.

## IMPORTANT NOTICE TO NON--U.S. RESIDENTS

The Services are operated in the United States. If you are located outside of the United States, please be aware that any information you provide to us will be transferred to the United States. We will take reasonable measures to require that the party receiving any of your Personal Information undertakes to: (i) retain and use such information only for the purposes set out in this Privacy Policy; (ii) not disclose your Personal Information except with your consent, as permitted by law, or as permitted by this Privacy Policy; and (iii) generally protect the privacy of your Personal Information. By using the Services and/or providing us with any information, you consent to this transfer.

## CHILDREN

We do not knowingly collect Personal Information from children under the age of 13 through the Services. If you are under 13, please do not give us any Personal Information. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce our Privacy Policy by instructing their children to never provide us Personal Information without their permission. If you have reason to believe that a child under the age of 13 has provided Personal Information to us, please contact us, and we will endeavor to delete that information from our databases.

## CALIFORNIA RESIDENTS

Under California Civil Code Section 1798.83, California residents who have an established business relationship with Foody123 may choose to opt out of our sharing their Personal Information with third parties for direct marketing purposes. If you are a California resident and (1) you wish to opt out; or (2) you wish to request certain information regarding our disclosure of

your Personal Information to third parties for the direct marketing purposes, please send an e-mail to [infox@Foody123.com](mailto:infox@Foody123.com)

In addition, Foody123 does not monitor, recognize, or honor any opt-out or do not track mechanisms, including general web browser “Do Not Track” settings and/or signals.

#### EXTERNAL WEBSITES, GOOGLE PAY, AND APPLE PAY

The Services may contain links to third-party websites. Foody123 has no control over the privacy practices or the content of any of our business partners, advertisers, sponsors, or other websites to which we provide links. As such, we are not responsible for the content or the privacy policies of those third-party websites. You should check the applicable third-party privacy policy and terms of use when visiting any other websites.

Please be advised that your use of Google Pay or Apple Pay is subject to the terms and conditions, including the privacy policies, of Google and Apple, respectively.

#### CHANGES TO THIS PRIVACY POLICY

This Privacy Policy is effective as of the date stated at the top of this Privacy Policy. We may change this Privacy Policy from time to time, and will notify you of such changes (e.g., posting any changes on the Services, e-mailing you, or prompting you via a popup). By accessing the Services after we notify you of such changes to this Privacy Policy, you are deemed to have accepted such changes. Please refer back to this Privacy Policy on a regular basis.

#### HOW TO CONTACT US

If you have questions about this Privacy Policy, please e-mail us at [infox@Foody123.com](mailto:infox@Foody123.com).