

# PRIVACY POLICY

**Effective Date:** January 1, 2023

**Last Revised/Reviewed on:** January 1, 2023

## Introduction

BirdShack, LLC and its subsidiaries and affiliates, (“BirdShack”, “Company”, “us”, “our”, or “we”) is committed to protecting your privacy. We created this Privacy Policy (the “Policy”) to inform you of our practices regarding the collection and disclosure of your personal information when you visit our website. This Policy also covers information we collect about you offline, from third parties, or when you contact us by phone. Please read this Policy carefully to understand our policies and practices regarding your information and how we use and protect it.

## Changes to this Policy.

The terms of this Policy may change, so please check it from time to time. We reserve the right to amend this Policy at our discretion and at any time. When we make changes to this Policy, we will post the updates on this website and update the Policy’s effective date. By continuing to use of our websites following updates and changes to this Policy, you are accepting those updates and changes.

## Who Does This Privacy Policy Apply To?

This policy generally applies to all individuals with whom we interact or from whom we collect personal information. If you are a California resident, please see our California (CCPA) Privacy Policy and Notice at Collection below.

## Information Collection

We collect several types of information about you, including:

- **Information provided by you**, such as name, address, email address, telephone number, and other personally identifying information. For example, we collect information from you when you fill out a form on our website to contact us.
- **Information collected automatically** as you navigate through our website. Information collected automatically may include usage details, IP address, internet browser, operating system, and/or session ID information.

## HOW WE USE YOUR INFORMATION

We use information that we collect about you or that you provide to us:

- to present our websites and their contents to you and to improve our websites (we continually strive to improve our website offerings based on the information and feedback we receive from you);
- to provide you with information, products, or services that you request from us;
- to fulfill our obligations to you as a customer;

- to carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection;
- to notify you about changes to our websites or any products or services we offer or provide through them;
- to enable communications with you regarding our services through email, text, and phone;
- to fulfill any other purpose for which you provide your information and in any other way we may describe when you provide the information; and
- for any other purpose with your consent.

## **DISCLOSURE OF YOUR INFORMATION**

We may disclose information that we collect about you, or that you provide us directly, as described in this Policy:

- to our related companies, subsidiaries, and affiliates;
- to contractors, service providers, suppliers, and other third parties we use to support our business;
- to a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us about our website users is among the assets transferred;
- to fulfill the purpose for which you provide it, for example: to process your inquiry regarding a license opportunity;
- for any other purpose disclosed by us when you provide the information;
- with your consent.

We may also disclose your personal information:

- to comply with any court order, law, or legal process, including to respond to any government, regulatory, or law enforcement request;
- to enforce or apply our Terms of Use and other agreements, including for billing and collection purposes; and

- if we believe disclosure is necessary or appropriate to protect the rights, property, or safety of our Company, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

We may disclose aggregated information about our users and deidentified data or information that does not identify an individual.

## **LINKS**

Our websites may contain links to other sites. Please be aware that we are not responsible for the content or privacy practices of third-party websites. We encourage our users to be aware when they leave our website and to read the privacy statements of any other website that collects your personal information.

## **GOOGLE ANALYTICS**

We may use Google Analytics to better understand how visitors use our website and to optimize your experience and interactions with our website. If you wish to opt-out of allowing Google to collect analytics information or if you would like to learn more about how Google uses your information, please visit [Google Analytics Opt-out Browser Add-on](#).

## **CHILDREN UNDER THE AGE OF 13**

Our websites are not intended for children under 13 years of age. No one under age 13 may provide any information to or on this website. We do not knowingly collect personal information from children under 13. If you are under 13, do not use or provide any information to or on this website or through any of its features. If we learn we have collected or received personal information from a child under 13 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 13, please contact us in one of the ways provided in the Contact Information section, below.

## **DO NOT TRACK**

We do not respond to Web browser “do not track” signals or other mechanisms. Other parties may collect personally identifiable information about your activities over time and across different Web sites when a consumer uses our Web site or service.

## **CHANGES TO OUR PRIVACY POLICY**

It is our policy to post any changes we make to this Policy on this page.

## **CONTACTING US**

If there are any questions regarding this Policy you may contact us via telephone at: 1.800.646.9403 or via email at: [info@birdshackchicken.com](mailto:info@birdshackchicken.com).

**Effective Date:** January 1, 2023

**Last Revised/Reviewed on:** January 1, 2023

This California Notice at Collection and Privacy Policy (“CCPA Disclosure”) explains how BirdShack, LLC and its subsidiaries and affiliates (“BirdShack”, “us”, “our”, or “we”) collect, use, disclose, and/or retain personal information (“Information Practices”) subject to the California Consumer Privacy Act (“CCPA”). This CCPA Disclosure applies solely to California residents (“consumers” or “you”).

## **Notice at Collection and Privacy Policy for California Residents**

### **NOTICE AT COLLECTION**

The following notice identifies the categories of personal information to be collected from you and the purposes for which the personal information will be used, including whether that information is sold or shared.

#### **General Personal Information**

<b>Do We collect?</b>	<b>Categories of Personal Information</b>	<b>Purposes for Collection</b>
<input checked="" type="checkbox"/>	<b>Identifiers:</b> For example, name, address, online identifier, Internet Protocol address, email address, or other similar identifiers.	<ul style="list-style-type: none"><li>• To fulfill or meet the reason for which the information is provided</li><li>• For our internal operational purposes</li></ul>
<input checked="" type="checkbox"/>	<b>Personal Information Categories from Cal. Civ. Code § 1798.80(e):</b> For example, name, address, telephone number, credit card number or other financial information.	<ul style="list-style-type: none"><li>• For fraud and security detection</li><li>• For short-term data use for the current interaction that is not used to build a profile</li><li>• To service transactions and accounts (e.g., maintaining and servicing accounts, payment processing)</li></ul>
<input checked="" type="checkbox"/>	<b>Commercial Information:</b> For example, records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	<ul style="list-style-type: none"><li>• To evaluate your interest in licensing a BirdShack location</li><li>• To administer and maintain our relationship with you as a BirdShack licensee</li><li>• To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of a bankruptcy, liquidation, or similar</li></ul>

		<p>proceeding, in which personal information held by us is among the assets transferred.</p> <ul style="list-style-type: none"> <li>• To share the personal information with service providers to carry out other business purposes</li> </ul>
<input checked="" type="checkbox"/>	<p><b>Internet or Other Similar Network Activity:</b> For example, information regarding a consumer’s interaction with an Internet Web site, application, or advertisement</p>	<ul style="list-style-type: none"> <li>• For our internal operational purposes</li> <li>• For fraud and security detection</li> <li>• For short-term data use for the current interaction that is not used to build a profile</li> </ul>
<input checked="" type="checkbox"/>	<p><b>Professional or Employment-Related Information:</b> For example, employment history.</p>	<ul style="list-style-type: none"> <li>• To evaluate your interest in licensing a BirdShack location</li> <li>• To administer and maintain our relationship with you as a BirdShack licensee</li> </ul>

**We do not collect:** Characteristics of CA or Federal Protected Classifications, Biometric information, Geolocation Data, Sensory or Surveillance Data, Education Information, or Profile Data under this policy.

**Sensitive Personal Information**

<b>Do We collect?</b>	<b>Categories of Sensitive Personal Information</b>	<b>Purposes for Collection</b>
<input checked="" type="checkbox"/>	Account log-in, financial account, debit card, or credit card number when provided with any required security or access code, password, or credentials allowing access to an account	<ul style="list-style-type: none"> <li>• To fulfill or meet the reason for which the information is provided</li> <li>• For our internal operational purposes</li> <li>• For fraud and security detection</li> <li>• To service transactions and accounts (e.g., accounts, payment processing)</li> <li>• To administer and maintain our relationship with you as a BirdShack licensee</li> <li>• To share the personal information with service providers to carry out other business purposes</li> </ul>

**We do not collect:** Precise geolocation; Racial or ethnic origin, religious or philosophical beliefs, or union membership; Contents of a consumer’s mail, email, and text messages (unless we are the intended recipient of the communication); Genetic data; Biometric information for the purpose of unique identification; Health Information; or Information concerning sex life or sexual orientation.

**Retention Periods**

We retain information for different periods of time depending on the purposes for which we collect and use it.

We will delete or de-identify information when it is no longer needed to fulfill the purposes listed for each category above, unless a longer retention period is required to comply with applicable laws. There may be technical or other operational reasons where we are unable to fully delete or de-identify your information. Where this is the case, we will take reasonable measures to prevent further processing your information.

**PRIVACY POLICY**

The purpose of this privacy policy is to provide you with a comprehensive description of our online and offline Information Practices. You have certain rights to control the use of your personal information. This privacy policy describes your rights as they relate to our Information Practices and how you can exercise those rights.

The following table includes disclosures for the preceding 12 months of: categories of personal information we have collected about consumers, the categories we have disclosed for a business purpose, and categories of third parties with whom we shared the personal information during that period.

**General Personal Information**

Category	In the preceding 12 months this category was:		Business or Commercial Purpose for Collection & Disclosure	Categories of third parties to whom the information was disclosed
	Collected	Disclosed		
Identifiers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>For our operational purposes or the operational purposes of our service provider or contractors</li> <li>To track visitors to our website</li> </ul>	<ul style="list-style-type: none"> <li>Internet service providers</li> <li>Data analytics providers</li> <li>Government entities</li> <li>Operating systems and platforms</li> <li>Cloud storage providers</li> <li>Payment processors</li> <li>Web hosting service providers</li> <li>E-mail distribution service providers</li> </ul>
Personal Information Categories from Cal. Civ. Code § 1798.80(e)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Commercial Information	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>To ensure security and integrity as reasonably necessary and proportionate for this purpose</li> <li>For short-term, transient use</li> </ul>	
Internet or Other Similar Network Activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

			<ul style="list-style-type: none"> <li>• To perform services on behalf of the business, including maintaining or servicing accounts, providing products or services, providing customer service, processing orders or transactions, verifying customer information, processing payments, or other similar services.</li> <li>• Providing advertising and marketing services, except for cross-contextual advertising.</li> <li>• Undertaking internal research for product or technological development.</li> <li>• Undertaking activities to verify or maintain quality or safety of a service or good and to improve or enhance a service or good.</li> </ul>	<ul style="list-style-type: none"> <li>• Financial and accounting service providers</li> <li>• Cybersecurity service providers</li> <li>• Logistics and planning tool providers</li> <li>• Customer relationship management tool providers</li> </ul>
<b>Professional or Employment Related Information</b>	☒	☒	<ul style="list-style-type: none"> <li>• For our operational purposes or the operational purposes of our service provider or contractors</li> </ul>	<ul style="list-style-type: none"> <li>• Data analytics providers</li> </ul>

**We do not collect:** Characteristics of CA or Federal Protected Classifications; Biometric Information; Geolocation Data; or Education Information under this policy.

**Sensitive Personal Information**

We do not use or disclose the below sensitive personal information for purposes other than those business purposes specifically enumerated under CCPA. As a result, we do not offer a right to limit our use or disclosure of these categories of sensitive personal information.

Category	In the preceding 12 months this category was:		Business or Commercial Purpose for Collection & Disclosure	Categories of third parties to whom the information was disclosed
	Collected	Disclosed		
<b>Account log-in, financial account, debit card, or credit card number when provided with any required security or access code, password, or credentials allowing access to an account</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• To perform services or provide goods you request and reasonably expect from us</li> <li>• To detect, prevent, and investigate security incidents involving your information</li> <li>• To investigate or curtail malicious, fraudulent, or illegal actions directed at us and to prosecute those responsible</li> <li>• To perform services for our business needs such as maintaining accounts, providing customer service, and fulfilling orders</li> </ul>	<ul style="list-style-type: none"> <li>• Government entities</li> <li>• Cloud storage providers</li> <li>• Payment processors</li> <li>• Web hosting service providers</li> <li>• Financial and accounting service providers</li> <li>• Cybersecurity service providers</li> <li>• Customer relationship management tool providers</li> </ul>

The categories identified as collected in the tables above were collected from the following categories of sources:

- You directly
- Internet service providers
- Data analytics providers
- Government entities
- Operating systems and platforms
- Social networks

**We have not and do not sell or share any of your personal information with third parties for cross-context behavioral advertising. We do not sell or share sensitive personal information.**



We do not have actual knowledge that we sell the personal information of minors under 16 years of age.

### **Your Right to Know**

You have the right to request that we disclose any of the following:

- the categories of personal information we have collected about you
- the categories of sources from which the personal information is collected
- the categories of third parties to whom we disclose personal information
- the specific pieces of personal information we have collected about you

You can do this through a verified consumer request. That process is described below in the section, “Submitting a Verified Consumer Request.”

### **Your Right to Request Correction of Inaccurate Personal Information**

You have the right to request correction of inaccurate personal information maintained by us. We may request documentation from you to determine the accuracy of the information. If you provide us documentation either upon our request or through your own initiative, that documentation will only be used for the purpose of correcting your personal information and complying with our recordkeeping requirements. We may deny your request if we have previously denied your same request to correct an alleged inaccuracy in the past six (6) months, unless you provide new or additional documentation that the information at issue is inaccurate.

As an alternative to correction, we may delete the inaccurate information if it does not negatively impact you or if you consent to this deletion. We reserve the right to deny this request if allowed under law, or if we determine that the contested information is more likely than not accurate, based on the totality of circumstances. You can submit a correction request through a verified consumer request. That process is described below in the section, “Submitting a Verified Consumer Request.”

### **Your Right to Request Deletion of Your Personal Information**

You have the right to request that we delete any of your personal information collected by us, subject to certain exceptions. You can do this through a verified consumer request. That process is described below in the section, “Submitting a Verified Consumer Request.”

There may be scenarios where we deny your deletion request. If that occurs, we will provide you with an explanation as to why we could not delete all or some of your personal information.

### **How To Exercise Your Rights---Submitting a Verified Consumer Request**

You have the right to submit verified consumer requests to know information, to correct information, or for deletion.

The response to a request to know will provide all personal information collected and maintained about you since January 1, 2022, unless doing so proves impossible or would involve disproportionate effort. Please note that we are not required to provide personal information to you more than twice in a 12-month period. We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request. We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

To submit a request, you can:

Click [here](#) to use our webform, to submit a request; OR

Call us at 1.800.646.9403 to submit your request.

If you submit a request that is not through one of these designated methods or is deficient in some manner unrelated to verification, we will follow up with you and inform you of the above methods for request submission.

Your request will be verified by matching the information you provide to information that we have collected.

Once we receive your verifiable consumer request, we will confirm receipt of the request within 10 business days describing our verification process. We will respond to your request within 45 calendar days, if we are able to verify your identity. Requests for deletion will require a separate confirmation that you want your information deleted.

Requests to Know or Delete for Child Under the Age of 13: We do not knowingly collect information of minors under the age of 13.

#### **Using an Authorized Agent to Submit a Request**

Only you, or a natural person or a business entity registered with the Secretary of State to conduct business in California that you have authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child. If you use an authorized agent, you may provide a power of attorney executed pursuant to California Probate Code sections 4000 to 4465. If a power of attorney that meets those provisions is not submitted, you will be required to provide the authorized agent signed permission to submit a request, verify your identity directly with us, and directly confirm with us that you provided the authorized agent permission to submit the request.

If you're an authorized agent making a request you need to do the following:

(a) e-mail a copy of a power of attorney provided to you by the consumer pursuant to Probate Code sections 4000 to 4465; or

(b) e-mail proof of signed permission along with a copy of your ID and have the consumer direct confirm with us that they provided you permission to submit the request by sending an e-mail.

### **Opt-Out Preference Signals**

Some website browsers have an “opt-out preference signal” feature that lets you tell other website and businesses that you do not want to have your online activities tracked. No uniform technology standard for recognizing and implementing opt-out preference signals has been finalized. We do not currently respond to a browser’s opt-out preference signal. We are not aware of, and do not knowingly allow such third parties to track your activity over time on the website.

### **Your Right to Non-Discrimination for the Exercise of a Privacy Right**

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

However, we may still offer you certain financial incentives permitted by the CCPA such as discounts, rewards, premium features, loyalty accounts, or club card programs that can result in different prices, rates, or quality levels.

### **Changes to Our Privacy Notice**

We reserve the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on the Website and update the notice’s effective date. Your continued use of our Website following the posting of changes constitutes your acceptance of such changes.

### **Contact for More Information**

If you have any questions or comments about this notice, the ways in which we collect and use your information, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: 1.800.646.9403

Website: <https://www.birdshackchicken.com/contact-us>

Email: [info@birdshackchicken.com](mailto:info@birdshackchicken.com)

Postal Address:

BirdShack, LLC

Attn: VP of Marketing

2020 Cahaba Road, Birmingham, Alabama 35223