

## **Privacy Policy**

### **ARK RESTAURANTS PRIVACY POLICY**

We understand that the protection of privacy is a major concern to many of our customers, and therefore the Privacy of our customers is extremely important to all of us at ARK RESTAURANTS CORP. (“ARK RESTAURANTS”). To understand a little bit about how our website interacts with visitors and how we will use any information gathered when you visit our website, please review our Privacy Policy below. This Privacy Policy describes our practices in connection with information that we collect through websites operated by us from which you are accessing this Privacy Policy (the “Websites”), through the software applications made available by us for use on or through computers and mobile devices (the “Apps”), through our social media pages that we control from which you are accessing this Privacy Policy (collectively, our “Social Media Pages”), as well as through HTML-formatted email messages that we send to you that link to this Privacy Policy (collectively, including the Websites, the Apps and our Social Media Pages, the “Services”). By using our services and viewing this Site, you are consenting to the information collection, use and disclosure practices described in this privacy policy.

ARK RESTAURANTS is committed to respecting your privacy and providing you proper protection and management of any Personally Identifiable Information you choose to share with us. “Personally Identifiable Information” consists of any information by which you can be personally identified, such as your first and last name, home or other physical address (including street name and name of a city or town), telephone number or e-mail address (hereinafter referred to as “personal data”).

ARK RESTAURANTS will not sell, share, or rent your personal data to third parties in ways different from what is disclosed in this statement.

### **COLLECTING YOUR INFORMATION:**

#### Types of Information Gathered

ARK RESTAURANTS may collect the following types of information at several different points on our Web site in order to facilitate the delivery of services or the fulfillment of an order: (1) personal data given voluntarily while using a feature of this website; for example, during a registration process or purchase, including name, address, phone number, e-mail address; and financial information, such as credit card number and (2) information collected automatically when visitors visit our website.

#### How We May Collect Personal Information

We and our service providers may collect Personal Information in a variety of ways, including:

- **Through the Services:** We may collect Personal Information through the Services, e.g., when you sign up for a newsletter or make a purchase.
- **Offline:** We may collect Personal Information from you offline, such as when you visit our restaurants, place an order over the phone or contact us.
- **From Other Sources:** We may receive your Personal Information from other sources, such as public databases; joint marketing partners; social media platforms; from people with whom you are friends or otherwise connected on social media platforms; and from other third parties.

## **How We May Use Personal Information**

We may use Personal Information:

- To respond to your inquiries and fulfill your requests, such as to send you newsletters.
- To send administrative information to you, for example, information regarding the Services and changes to our terms, conditions, and policies.
- To complete and fulfill your purchase or sign you up for events, for example, to process your payments, have your order delivered to you, communicate with you regarding your purchase or reservation and provide you with related customer service.
- To send you marketing communications that we believe may be of interest to you.
- To allow you to participate in sweepstakes, contests and similar promotions and to administer these activities. Some of these activities have additional rules, which could contain additional information about how we use and disclose your Personal Information, so we suggest that you read these rules carefully.
- For our business purposes, such as data analysis, audits, fraud monitoring and prevention, developing new products, enhancing, improving or modifying our Services, identifying usage trends, determining the effectiveness of our promotional campaigns and operating and expanding our business activities.
- As we believe to be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public and government authorities, including public and government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations or those of any of our affiliates; (f) to protect our rights, privacy, safety or property, and/or that of our affiliates, you or others; and (g) to allow us to pursue available remedies or limit the damages that we may sustain.

## **How Personal Information May Be Disclosed**

Your Personal Information may be disclosed:

- To our third party service providers who provide services such as website hosting, data analysis, payment processing, order fulfillment, information technology and related infrastructure provision, customer service, email delivery, auditing and other similar services.
- To third party sponsors of sweepstakes, contests and similar promotions.
- To identify you to any guest you register for an event.
- By you, on message boards, chat, profile pages and blogs and other services to which you are able to post information and materials. Please note that any information you post or disclose through these services will become public information and may be available to users of the Services and to the general public. We urge you to be very careful when deciding to disclose your Personal Information, or any other information, on the Services.
- To your friends associated with your social media account, to other website users and to your social media account provider, in connection with your social sharing activity, such as if you connect your social media account to your Services account or log into your Services account from your social media account. By connecting your Services account and your social media account you authorize us to share information with your social media account provider and you understand that the use of the information we share will be governed by the social media site's privacy policy. If you do not want your Personal Information shared with other users or with your social media account provider, please do not connect your social media account with your Services account and do not participate in social sharing on the Services.

We use the information, including personal data, you provide for internal purposes such as:

- analyzing trends and statistics
- member services including Web page personalization
- informing you of new products, services, offers and information about

ARK RESTAURANTS will not sell or otherwise share personal data with other people or nonaffiliated companies. ARK RESTAURANTS will use your personal data to provide services to you at your request. ARK RESTAURANTS will share this information with certain business partners to provide requested services that we do not provide directly.

ARK RESTAURANTS may disclose specific information upon governmental request, in response to a court order, when required by law, or to protect our or others' rights, property, or

safety. We do not provide information to these agencies or companies for marketing or commercial purposes.

At times, we partner with third parties to provide specific services, such as the mailing of our newsletters. When you sign up for these services, we will share names, or other contact information that is necessary for the third party to provide the specific services. We require of those other third party service providers that they not use personal data except for the purpose of providing the specific service for which we have hired them.

## **OTHER INFORMATION**

### **Other Information We May Collect**

“Other Information” is any information that does not reveal your specific identity or does not directly relate to an individual, such as:

- Browser and device information
- Information collected through cookies, pixel tags and other technologies
- Demographic information and other information provided by you
- Aggregated information

### **How We May Collect Other Information**

We and our third party service providers may collect Other Information in a variety of ways, including:

- **Through your browser or device:** Certain information is collected by most browsers or automatically through your device, such as your Media Access Control (MAC) address, computer type (Windows or Macintosh), screen resolution, operating system name and version, device manufacturer and model, language, Internet browser type and version and the name and version of the Services you are using. We use this information to ensure that the Services function properly.
- **Using cookies:** Cookies are pieces of information stored directly on the computer that you are using. Cookies allow us to collect information such as browser type, time spent on the Services, pages visited, language preferences, and other anonymous traffic data. We and our service providers use the information for security purposes, to facilitate navigation, to display information more effectively, and to personalize your experience while using the Services. We

can recognize your computer to assist your use of the Services. We also gather statistical information about the usage of the Services in order to continually improve the design and functionality, understand how the Services are used and to assist us with resolving questions regarding the Services. Cookies further allow us to select which of our advertisements or offers are most likely to appeal to you and display them while you are on the Services. We may also use cookies in online advertising to track responses to our advertisements.

If you do not want information collected through the use of cookies, there is a simple procedure in most browsers that allows you to automatically decline cookies or to be given the choice of declining or accepting the transfer to your computer of a cookie (or cookies) from a particular site. You may also wish to refer to <http://www.allaboutcookies.org/manage-cookies/index.html>.

- **Using pixel tags and other similar technologies:** Pixel tags (also known as web beacons and clear GIFs) may be used in connection with some Services to, among other things, track the actions of users of the Services (including email recipients), measure the success of our marketing campaigns and compile statistics about usage of the Services and response rates.
- **IP Address:** Your “IP Address” is a number that is automatically assigned to the computer that you are using by your Internet Service Provider (ISP). An IP Address may be identified and logged automatically in our server log files whenever a user accesses the Services, along with the time of the visit and the page(s) that were visited. Collecting IP Addresses is standard practice and is done automatically by many websites, applications and other services. We use IP Addresses for purposes such as calculating usage levels of the Services, helping diagnose server problems, and administering the Services.
- **Physical Location:** We may collect the physical location of your device by, for example, using satellite, cell phone tower or WiFi signals. We may use your device’s physical location to provide you with personalized location-based services and content. We may also share your device’s physical location, combined with information about what advertisements you viewed and other information we collect, with our marketing partners to enable them to provide you with more personalized content and to study the effectiveness of advertising campaigns. In some instances, you may be permitted to allow or deny such uses and/or sharing of your device’s location, but if you choose to deny such uses and/or sharing, we and/or our marketing partners may not be able to provide you with the applicable personalized services and content.
- **From you:** Information such as your preferred means of communication is collected when you voluntarily provide it. Unless combined with Personal Information, it does not personally identify you.
- **By aggregating information:** Aggregated Personal Information does not personally identify you (for example, we may aggregate Personal Information to calculate the percentage of our users who have a particular telephone area code). We will not collect this information for our e-mail list.

## How We May Use and Disclose Other Information

We may use and disclose Other Information for any purpose, except where we are required to do otherwise under applicable law. If we are required to treat Other Information as Personal Information under applicable law, then we may use it as described in the “How We May Collect Other Information” section above, as well as for all the purposes for which we use and disclose Personal Information.

In some instances, we may combine Other Information with Personal Information (such as combining your name with your geographical location). If we do, we will treat the combined information as Personal Information as long as it is combined.

## **THIRD PARTY SERVICES**

This Privacy Policy does not address, and we are not responsible for, the privacy, information or other practices of any third parties, including any third party operating any site or service to which the Services link. The inclusion of a link on the Services does not imply endorsement of the linked site or service by us or by our affiliates.

Please note that we are not responsible for the collection, usage and disclosure policies and practices (including the data security practices) of other organizations, such as Facebook, Twitter, Apple, Google, Microsoft or any other app developer, app provider, social media platform provider, operating system provider, wireless service provider or device manufacturer, including any Personal Information you disclose to other organizations through or in connection with the Apps or our Social Media Pages.

## **INTERNATIONAL USERS**

Please note that this website is hosted on our servers in the United States of America. If you are a customer, user or visitor from a country outside the United States, you are deemed to consent to the transfer of your personal data you disclose and submit from your country of residence or from which you access the website to the United States of America.

## **SECURITY**

ARK RESTAURANTS has implemented reasonable physical, electronic and procedural safeguards and security measures to protect personal data collected through this website. This includes compliance with related U.S. federal regulations and may include use of industry-standard Secure Socket Layer (SSL) encryption to prevent any loss, misuse, unauthorized access, disclosure, or modification of personal information. Unfortunately, no data transmission over the Internet can be guaranteed to be 100% secure. As a result, while we strive to protect your personal data, we cannot guarantee or warrant the security of any information you transmit to or from our web sites, and you do so at your own risk.

## **CHOICES AND ACCESS**

Your choices regarding our use of your Personal Information

If you no longer wish to receive marketing-related emails from us, you may opt-out from such messages by following the instructions contained in each such email.

We will try to comply with your request(s) as soon as reasonably practicable. Please note that if you opt-out of receiving marketing-related emails from us, we may still send you important administrative messages, from which you cannot opt-out.

How you can access, change or suppress your Personal Information

If you would like to review, correct, update, suppress, or delete the Personal Information that you have provided to us, you may contact us by email at [evyette@arkrestaurants.com](mailto:evyette@arkrestaurants.com)

In your request, please make clear what Personal Information you would like to have changed, whether you would like to have it suppressed from our database, or otherwise let us know what limitations you would like to put on our use of it. For your protection, we may only implement requests with respect to the Personal Information associated with the email address that you use to send us your request, and we may need to verify your identity before implementing your request. We will try to comply with your request as soon as reasonably practicable.

Please note that we may need to retain certain information for recordkeeping purposes and/or to complete any transactions that you began prior to requesting such change or deletion. There may also be residual information that will remain within our databases and other records, which will not be removed.

## **RETENTION PERIOD**

We will retain your Personal Information for the period necessary to fulfill the purposes outlined in this Privacy Policy unless a longer retention period is required or permitted by law.

## **COOKIES**

ARK RESTAURANTS may automatically receive and record information on our server logs from your browser, which may include your IP address, ARK RESTAURANTS' cookie information, session time, click path analysis, and the pages you request. ARK RESTAURANTS will only use this type data in an aggregate form which does not identify you personally.

## **CHILDREN**

Parents should always supervise their children while online. ARK RESTAURANTS' website is not designed nor intended to collect personal data from children under the age of thirteen (13). So that we may comply with the Children's Online Privacy Protection Act, we ask that children under the age of thirteen not provide any personal information on this website.

## **LINKS**

This website may contain links to other websites not controlled by ARK RESTAURANTS. ARK RESTAURANTS is not responsible for the privacy practices of any linked site. If you decide to access any of the linked websites, you should read the privacy policy of each linked website to understand the related policy. This privacy policy applies solely to information collected through ARK RESTAURANTS' website. In addition, when you browse, they may place their own cookies on your computer and we do not control cookies placed on your computer by third parties whose links appear on our site.

## **UPDATING YOUR INFORMATION**

At any time you may review, update, correct, or change the personal data you have provided to us. You may also choose to no longer receive any communication from ARK RESTAURANTS. Alternatively, you can call us +1.212.206.8800

## **CROSS-BORDER TRANSFER**

The Services are controlled and operated by us from the United States and are not intended to subject us to the laws or jurisdiction of any state, country or territory other than that of the United States. Your Personal Information may be stored and processed in any country where we have facilities or in which we engage service providers, and by using the Services you consent to the transfer of information to countries outside of your country of residence, including the United States, which may have different data protection rules than those of your country.

## **SENSITIVE INFORMATION**

We ask that you not send us, and you not disclose, any sensitive Personal Information (e.g., Social Security numbers, information related to racial or ethnic origin, political opinions, religion or other beliefs, health, criminal background or trade union membership) on or through the Services or otherwise to us.

## **QUESTIONS**

If you have any questions about the privacy or security at our Web site, you can send an e-mail to [evyette@arkrestaurants.com](mailto:evyette@arkrestaurants.com)

## **EFFECTIVE DATE**

The effective date of the current privacy policy is August 30, 2018.