

# PRIVACY POLICY

**Updated March 1, 2020.**

King's Seafood and its group of restaurants ("King's Seafood Group") which operate the websites posting this policy (the "Sites"), including our restaurants Water Grill, Meat on Ocean, King's Fish House, 555 East, Fish Camp, Pier Burger, and Lou & Mickey's ("we", "our", or "us"), respect the sensitive nature of any personal information you provide to us. We have created this Privacy Policy to demonstrate our commitment to the privacy of our customers and of all who visit and use the Sites. This Privacy Policy describes our online information collection, storage and disclosure practices and the choices you have regarding how your personal information is collected and used by us and our e-commerce providers. By accessing and using the Sites, you consent to the collection, use and disclosure of information through the Sites as described in this Privacy Policy.

Residents of the European Economic Area ("EEA"), which includes the member states of the European Union ("EU"), should consult the sections of this policy relating to the "EEA Residents" and "International Data Transfers" for provisions that may apply to them.

California residents should consult the section titled "Your California Privacy Rights" for rights that apply to them.

We reserve the right to change this Privacy Policy at any time. In the event we make changes to this Privacy Policy, such policy will be re-posted in the "Privacy" section of our Sites, with the date such modifications were made indicated on the top of the page, or we may contact you to inform you about the revisions with a link to the revised Privacy Policy. All changes are effective on the date listed at the top of this page and will apply to all information that we have about you. Your continued use of the Sites or the services that we provide ("Services") after any change is posted indicates your acceptance of the changes and your continued consent to our processing of your Personal Information. If at any point you do not agree to any portion of this Privacy Policy, then in effect you should immediately stop using the Sites and the Services. Because this Privacy Policy contains legal obligations we encourage you to review this Privacy Policy carefully. If you have any questions concerning this Privacy Policy or our information collection, storage and disclosure practices, please contact us at [contactus@kingsseafood.com](mailto:contactus@kingsseafood.com).

## **Personal Information That We Collect and How We Use It**

We collect Personal Information about you when you visit the Sites, subscribe to obtain more information about our Services, apply for employment, make reservations, book events and purchase gift cards. "Personal Information" is information that may be used to directly or indirectly identify an individual (which in some cases, may include certain device information).

The Personal Information we collect may include (a) names, aliases, postal addresses, unique personal identifiers, online identifiers, Internet Protocol (IP) address, email address, account name, driver's license numbers, passport numbers or other similar identifiers; (b) education, employment, employment history, financial information, medical information, or health insurance information; (c) characteristics of protected classifications under California or federal law; (d) internet or other electronic network activity information; (e) professional or employment-related information; (f) audio, electronic, visual or similar information; (g) location information; and (h) education information that is not publicly available. We may combine the Personal Information that we obtain about individuals from more than one source. The majority of such Personal Information is collected when you register with the Sites to join our mailing list, set up an account and join our rewards program, order gift cards, make a reservation, apply for employment or otherwise provide us with your contact information or participate in certain activities provided for on our Sites.

In general, the type of Personal Information we collect includes, but is not limited to:

- Personal Information to keep in touch with you regarding features or matters of interest, including information regarding our restaurants, events and other Services;
- Personal Information needed to participate in the Sites, including logging in, applying for employment, purchasing gift cards, and establishing an account;
- Personal Information needed to book reservations at our restaurants through Open Table; and
- Un-identifiable and aggregated Personal Information pertaining to your Site visits that help us maintain the appropriate features, functionality and user experience

We, our restaurants and/or other partners may use that data to maintain regular communication with you as may be necessary to inform you of offers, updates and other information regarding us.

### **Use of Personal Information**

We use this Personal Information to: (i) add you to our mailing list; (ii) contact you; (iii) provide information regarding our restaurants, events and other Services; (iv) provide our Services, including making reservations at our restaurants; (v) establish an account; (vi) sell you gift cards; (vii) process applications for employment; (viii) provide answers to your inquiries or questions; and (ix) maintain regular communication with you as may be necessary to inform you about our restaurants, Services and your account.

### **Social Networks**

If you choose to connect to our Sites through a third-party social network such as Facebook, Instagram, Pinterest, and Twitter (each, a "Social Network"), we may collect Personal Information from your profile on such Social Network, such as your name, user name, and email

address. In addition, our Sites offer links to our accounts on Social Networks. If you decide to use such features, they may allow the sharing and collection of information both to and from each such Social Network, so you should check the privacy policy of each Social Network before using such features.

## **Open Table**

Open Table allows you to make reservations at our restaurants. Open Table has its own Terms of Use, available at <https://www.opentable.com/legal/terms-and-conditions>, its own privacy policy available at <https://www.opentable.com/legal/privacy-policy> and disclosures to California consumers regarding their rights available at <https://www.opentable.com/legal/privacy-policy-additional-disclosures-california>.

Open Table shares your Personal Information with the King's Seafood Group when you make online reservations. Such information includes your dining activity and history, preferences, requests, restrictions and other information. Open Table also provides your name, phone number, guest information and information that you choose to submit to us. If you provide a mobile phone number in connection with your request or reservation, we may send you text messages regarding your request.

## **Non-Identifiable Data and Aggregated Personal Information**

We or our service providers, including Google Analytics, may also collect web surfing data related to your use of the Sites. Such information may include: your Internet Protocol (IP) address, mobile identifiers, browser type, and internet service provider (ISP); your operating system; which of our web pages you access and how frequently you access them; referral or exit pages; click stream data; and the dates and times that you visit the Sites. This data may be collected using cookies, web beacons, page tags or similar tools. As with cookies, the web surfing information is anonymous, "click stream" transactional data that is not associated with any users as individuals.

Web surfing data and similar information may be aggregated for administrative purposes. We may, for example, use this aggregated information in the administration of the Sites to improve its usability and to evaluate the success of particular marketing and advertising campaigns, search engine optimization strategies, and other marketing activities. We also use it to help optimize the Sites based on the needs of our users.

## **How and When Your Information Is Shared With Other Parties**

We do not sell, trade or license Personal Information about our users for marketing purposes. We do not share your Personal Information outside of the King's Seafood Group

unless it is necessary to fulfill our responsibilities, including providing information or Services. However, your Personal Information is shared within the King's Seafood Group.

### **Additional Sharing of Information**

We work with a number of trusted service providers who may perform vital functions as part of our operations of the Sites, including the sale of gift cards on our website. We do not share your Personal Information unless it is necessary to fulfill our responsibilities, including providing information or Services to you.

We may share your Personal Information with law enforcement or other government agencies as required by law or for the purposes of limiting fraud. We reserve the right to disclose your Personal Information when we believe that disclosure is necessary to protect our rights or to comply with a judicial proceeding, court order or legal process. We further reserve the right to disclose any of your Personal Information that we believe, in good faith, appropriate or necessary to take precautions against liability, to investigate and defend against any third-party claims or allegations, to assist government enforcement agencies, to protect the security or integrity of the Sites or our services, or to protect the rights, property or personal safety of us, our users, issuers, or others.

We may share your Personal Information in connection with a corporate reorganization or transaction, such as a divestiture, merger, consolidation, or asset sale, or in the unlikely event of bankruptcy.

Notwithstanding any of the above, we will not share your Personal Information if such sharing is prohibited by applicable privacy and data protection law, including, without limitation, the EEA's General Data Protection Regulation effective May 25, 2018 and the California Consumer Protection Act ("CCPA").

### **EEA Residents**

This section of this Privacy Policy is applicable to residents of the EEA. The EEA consists of the member states of the EU, i.e., Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom, and Iceland, Liechtenstein, and Norway. This section also applies to residents of Switzerland and, in the event of its departure from the EU, residents of the United Kingdom. Residents of the EEA and Switzerland are referred to here as "EEA Residents".

Although websites are accessible anywhere in the world, our restaurants are all located in the United States so that we do not directly provide our Services to residents in the European

Union. Notwithstanding the foregoing, it is possible that EEA Residents provide Personal Information by signing up for our newsletters and mailing lists or making reservations at our restaurants.

From May 25, 2018, all processing of Personal Information of EEA Residents is performed by us in accordance with the General Data Protection Regulation (2016/679) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons regarding the processing of Personal Information and on the free movement of such data (“GDPR”).

Under the GDPR, we are the controller and a processor of the Personal Information of EEA Residents. Our purpose for collecting and processing Personal Information from EEA Residents is to obtain contact information and to substantiate such information and to provide Services. The legal basis for collecting Personal Information is your consent. You may withdraw consent for obtaining such communications by following the “Unsubscribe” instructions on any communication or by contacting us at [contactus@kingsseafood.com](mailto:contactus@kingsseafood.com).

If you are a resident of the EEA and believe that we have Personal Information about you, and you wish to access or correct the Personal Information that we have about you or have any questions relating to the processing of your Personal Information, please contact us at [contactus@kingsseafood.com](mailto:contactus@kingsseafood.com) with the subject line “GDPR Data.”

### **International Data Transfers**

If you are resident outside the United States, including in the EEA, we transfer Personal Information provided by you for processing in the United States. Under the GDPR, we are considered a “controller” and a “co-processor” of the Personal Information of EEA Residents. By providing Personal Information to us for the purpose of subscribing to our mail lists, setting up an account or obtaining Services, you consent to the transfer of your Personal Information to the United States. The transfer of your Personal Information to the United States is necessary for the performance of a contract between you and King’s Seafood for obtaining Services.

Please note that the United States does not have data protection laws equivalent to those in the EEA and other jurisdictions.

### **Notifications and Communications from Our Sites**

#### Communications Regarding Our Services

We will send you email notifications and free newsletters from time to time with offers, suggestions and other information. Some notifications are communications relating to us and our Services, including confirmations of orders for our products. You may “opt-out” from receiving such communications by following the “Unsubscribe” instructions provided in the email.

## Legal or Security Communications

We also send out notices that are required for legal or security purposes. For example, certain notifications are sent for your own protection. In other cases, these notifications involve changes to various legal agreements, such as this Privacy Policy or the Terms of Use. Generally, you may not opt out of such emails.

## Deleting Your Information

If you want us to delete your Personal Information and your account, please contact us at [contactus@kingsseafood.com](mailto:contactus@kingsseafood.com) with your request. We will take steps to delete your information as soon as we can, but some information may remain in archived/backup copies for our records or as otherwise required by law. You may not delete information relating to our communications relating to the specific Services that we are providing for you if you wish to continue receiving such Services, including orders of our products. Deletion of your Personal Information is subject to our obligations as set forth in the section relating to Personal Information Retention.

## **Personal Information Retention**

We retain the Personal Information we receive as described in this Privacy Policy for as long as you use our Services 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 applicable laws.

## **Links to Other Sites**

If you follow any links that direct you away from the Sites, including links to social media sites or other sites, this Privacy Policy will not apply to your activity on the other sites you visit. We do not control the privacy policies or the privacy practices of any third parties.

## **Privacy in Submitted Materials**

If you submit any materials to us, either directly or through a social media platform, such as Instagram, such materials, including photos or comments, may be displayed on the Sites, including photos of yourself or other individuals. We may also display your first name in connection with the first initial of your last name in connection with comments submitted by you. By submitting such materials, you forego any privacy rights in such materials. Please consult the Terms of Use for other conditions relating to the submission of materials to us directly or through social media Sites.

## **Security Policy**

We take commercially reasonable steps to protect our customers' Personal Information against unauthorized disclosure or loss. However, no data transmission over the Internet can be guaranteed to be 100% secure. Therefore, while we strive to protect user information we cannot ensure or warrant the security of any information you transmit to us or from the Sites. You engage in such transmissions at your own risk.

If you believe your Personal Information is being improperly used by us or any third party, please immediately notify us via email at [contactus@kingsseafood.com](mailto:contactus@kingsseafood.com).

### **Children Under 13**

Our Sites is restricted to the use of individuals over the age of 13. We therefore will take measures to verify the age of our users. No portion of the Sites is directed to children under the age of 13. Consequently, we do not knowingly collect personal identifying information from any person we know is a child under the age of 13. If we learn that we have collected personal information from a child under age 13 we will delete that information as quickly as possible. If you are a parent or guardian of a child under 13 years of age and you believe your child has provided us with Personal Information, please contact us at [contactus@kingsseafood.com](mailto:contactus@kingsseafood.com).

### **Your California Privacy Rights**

The following section pertains to the rights of individuals or households in California ("California consumers").

- *Civil Code Section 1798.83*

Under certain circumstances, California Civil Code Section 1798.83 states that, upon receipt of a request by a California consumer, a business may be required to provide detailed information regarding how that business has shared that customer's Personal Information with third parties for direct marketing purposes. However, the foregoing does not apply to businesses like ours that do not disclose Personal Information to third parties for direct marketing purposes without prior approval or give customers a free mechanism to opt out of having their Personal Information disclosed to third parties for their direct marketing purposes.

- *Rights under the CCPA*

After January 1, 2020, the CCPA (California Civil Code Section 1798.100 *et seq.*) will provide California consumers with additional rights regarding Personal Information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. The categories of Personal Information we collect are generally described above but differ for individual consumers depending on the Services used by such consumers.

Under the CCPA, qualifying California consumers may have the following rights:

### Right to Know and Right to Delete.

A California consumer has the right to request that we disclose what Personal Information we collect, use, disclose and sell. A California consumer also has the right to submit requests to delete Personal Information.

When we receive a request to know or delete from a California consumer, we will confirm receipt of the request within 10 business days and provide information about how we will process the request, including our verification process. We will respond to such requests within 45 days.

### Right for Disclosure of Personal Information.

A California consumer may also submit requests that we disclose specific types or categories of Personal Information that we collect.

Under certain circumstances, we will not provide such information, including where the disclosure creates a substantial, articulable and unreasonable risk to the security of that Personal Information, customers' accounts with us, or the security of our systems or networks. We also will not disclose California consumers' social security numbers, driver's license numbers or other government-issued identification numbers, financial account numbers, any health insurance or medical identification numbers, or account passwords and security questions and answers.

### Submitting Requests

If you are a California consumer and would like to make any requests under the CCPA, please direct them as follows:

King's Seafood Company, LLC  
3185 Airway Avenue, Unit J  
Costa Mesa, CA 92626  
contactus@kingsseafood.com

### Verifying Requests

If we receive any request we will use a two-step process for online requests where the California consumer must first, clearly submit the request and then second, separately confirm the request. We will use other appropriate measures to verify requests received by mail or telephone.

In submitting a request, a California consumer must provide sufficient information to identify the consumer, such as name, email address, home or work address, or other such



information that is on record with us so that we can match such information to the Personal Information that we maintain. Do not provide social security numbers, driver's license numbers, account numbers, credit or debit card numbers, medical information or health information with requests. If requests are unclear or submitted through means other than as outlined above, we will provide the California consumer with specific directions on how to submit the request or remedy any deficiencies. If we cannot verify the identity of the requestor, we may deny the request.

#### California Do Not Track Disclosures

Although some browsers currently offer a "do not track ('DNT') option," no common industry standard for DNT exists. We therefore do not currently commit to responding to browsers' DNT signals.

#### **Your Rights and Obligations**

We ask that you keep the Personal Information that you provide to us current and that you correct any information you have provided to us by contacting us at [contactus@kingsseafood.com](mailto:contactus@kingsseafood.com) . You represent and warrant that all Personal Information you provide us is true and correct and relates to you and not to any other person.

If you are a resident of the EEA and wish to access or correct the Personal Information that we have about you or have any questions relating to the processing of your Personal Information, please contact us at [contactus@kingsseafood.com](mailto:contactus@kingsseafood.com) with the subject line "GDPR Data."

If you use the Sites, you are responsible for maintaining the confidentiality of your account and for restricting access to your computer or device, and you agree to accept responsibility for all activities that occur under your account.