

# Privacy policy

**FEBRUARY 2024**

## **1. Introduction**

- 1.1 We are [ENTER] doing business as El Bandido Yankee Tequila (referred to as El Bandido Yankee, we, us and our in this Privacy Policy), with offices located at [ENTER]
- 1.2 The information set out in this Privacy Policy is provided to individuals whose personal data we process (you or your) as data controller, in compliance with our obligations under applicable U.S. law.
- 1.3 This Privacy Policy applies to your use of the El Bandido Yankee Services. By El Bandido Yankee Services we mean any of our websites, web stores, or other products or services that link to this policy. Additional terms and conditions may apply to your relationship with El Bandido Yankee, depending on how you choose to interact with us.
- 1.4 It is important that you read this Privacy Policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This Privacy Policy supplements other notices and privacy policies and is not intended to override them.
- 1.5 By using the El Bandido Yankee Services, you confirm your acceptance of this Privacy Policy. If you do not agree or are not comfortable with any El Bandido Yankee privacy policies described herein, your only remedy is to discontinue use of the El Bandido Yankee Services. El Bandido Yankee expressly reserves the right to amend its Privacy Policy. Your continued use of any of the El Bandido Yankee Services the posting of any such changes constitutes your acceptance of those changes.
- 1.6 The El Bandido Yankee policy can be downloaded found here [ENTER].

## **2. Data controller details**

We are the data controller in relation to the processing of the personal data that you provide to us and responsible for such personal data. If you have any questions about this privacy policy or our privacy practices, please contact us at the following:

- 2.1 Address: ENTER
- 2.2 Email address: [ENTER – you may want to create an email such as "privacy@elbandidoyankee.com"]

## **3. Notice to California residents**

This notice applies only to California residents and is effective as of January 1, 2020. This California Privacy Notice sets forth the disclosures and rights for California consumers regarding their personal data, as required by the California Consumer Privacy Act ("CCPA"). Terms used in this California Privacy Notice have the same meanings given in the CCPA and the regulations of the Attorney General implementing the CCPA, unless otherwise defined. This notice provides information about the categories of information that we collect from California residents generally, the sources of the information, the purposes for which we use the information, and the categories of third parties to whom we disclose the information for business purposes and to whom we sell Personal data as defined by CCPA (and information on how to opt-out).

## **4. California information sharing disclosure**

California Civil Code 1798.115(c), 1798.130(a)(5)(c), 1798.130(c), and 1798.140 provide that companies should disclose whether various categories of information are collected, transferred for consideration, or transferred for an organization's "business purpose" as that term is defined under California law effective January 1, 2020. The table found in Section 8 below shows categories of

personal data we collect and transfer in a variety of contexts. Please note that this list is comprehensive, and we may not have information about you specifically from each category.

## **5. Notice of financial incentives**

We offer our customers a loyalty program that provides certain rewards, promotions, and exclusive offers. When you sign up for our loyalty program, we will ask you to provide your first name, last name, email address, phone number and birthdate. Because our loyalty program involves the collection of personal data, it might be interpreted as a “financial incentive” program under California law. The value of your personal data to us is related to the value of the free or discounted products or services that you obtain when you redeem points. This value is based on the expense related to offering those free or discounted products or services.

## **6. How we collect your information**

6.1 Personal data is any information about an individual from which you can be identified. It does not include data where it is not possible to identify you (this will be anonymized data).

6.2 You may provide your personal data to us when you choose to use El Bandido Yankee Services because we change our offerings and features from time to time, the options you have to provide us with information also may change.

6.3 Generally, the information we hold about you comes from the way you engage with us and the El Bandido Yankee Services. This will be when you:

6.3.1 engage with us via our website;

6.3.2 create an El Bandido Yankee account;

6.3.3 engage or interact with us via our streaming services;

6.3.4 engage or interact with us via the El Bandido booking system;

6.3.5 purchase any product from us or through our website;

6.3.6 enter online competitions or register for or participate in special events;

6.3.7 enter contests or sweepstakes, participate in any of our promotions, or accept any prizes from us;

6.3.8 sign up for email alerts or subscribing to receive other information from us;

6.3.9 complete a survey;

6.3.10 connect to our Wi-Fi;

6.3.11 contact us offline, for example by telephone, SMS, email or by post; and

6.3.12 interact with us using social media.

6.4 It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## **7. What we collect**

7.1 The specific types of information you provide us will often vary depending on the El Bandido Yankee Services you are using and how you interact with us.

7.2 The types of personal data that we may collect, use, store, and transfer about you are as follows:

7.2.1 Contact data such as your name and email address, your postal address, telephone number and company name if you are visiting as part of a corporate event.

7.2.2 El Bandido Yankee profile data such as your username or similar identifier, password, age, date of birth, gender social media usernames, and your gamer handles/usernames, statistics, reviews, preferences, feedback and survey responses.

7.2.3 Financial data such as your bank account and payment card details and your transaction history, including payments to and from you and details of any purchases.

7.2.4 Content Data such as information relating to your El Bandido Yankee profile, account information or other digital content and check-ins; use or your visits to our website collected by cookies or other tracking technologies.

7.2.5 Photographs or video footage taken at our events used for marketing purposes where we obtain your consent to do so.

7.2.6 Marketing and communications data such as your preferences in receiving marketing from us and selected third parties and your communication preferences.

7.2.7 Data in relation to your location, such as a country identifier and time zone.

7.2.8 Other voluntary information which you share with us when you respond to communications from us, communicate with us via email or share additional information about yourself through your use of

the El Bandido Yankee Services, such as entering tournaments, competitions, completing surveys or other promotional events.

- 7.2.9 **Social networks:** If you register through your social network account (such as your Facebook account) to use the El Bandido Yankee Services online, we will automatically have access to basic information from your social network account, such as your name, birthdate, profile picture and friends' list, as well as information you made publicly available on such account.
- 7.3 We do not collect any special categories of personal data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.
- 7.4 We also collect, use, and share aggregated data such as statistical or demographic data for any purpose. Aggregated data could be derived from your personal data but will not directly or indirectly reveal your identity. For example, we may aggregate your usage data to calculate the percentage of users accessing a specific website feature.

## 8. How we use your personal data

- 8.1 We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:
- 8.1.1 Where we need to perform any contract we have with you or provide services to (i.e. to perform the El Bandido Yankee Services or to create and manage your account).
- 8.1.2 Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- 8.1.3 Where we need to comply with a legal obligation.
- 8.1.4 Where we offer and provide products and services to you.
- 8.1.5 Where we communicate about and / or administer your participation in, special events, programs, surveys, contests, sweepstakes, and other offers or promotions.
- 8.1.6 Where we communicate with you about your requests, questions, and comments.
- 8.2 Please see below for the categories of personal data we collect and transfer in a variety of contexts:

Categories of Personal Information That We Collect	Categories of Third Parties To Whom We Disclose This Information
<u>Identifiers:</u> Such as name, email address, online identifier, birth date	Software service providers Marketing Partners Advertising Networks Financial institutions, payment processors Government entities, lawyers, consultants and other parties as required by law
<u>Financial Information:</u> Such as payment details, tokenised payment card data	Software service providers, payment processors, financial institutions Government entities, lawyers, consultants and other parties as required by law
<u>Commercial Information:</u> Such as products and services purchased or considered, purchasing and consuming histories	Software service providers Marketing Partners Advertising Networks Government entities, lawyers, consultants and other parties as required by law
<u>Audio, electronic, visual, thermal, olfactory, or similar information:</u> Such as CCTV footage with audio, photos, videos and associated audio captured in venue	Marketing Partners Social Networks Advertising Networks The public in marketing material Government entities, lawyers, consultants and other parties as required by law
<u>Network Activity Data:</u> Such as wifi usage, sites accessed on our networks, device information	Marketing Partners Government entities, lawyers, consultants and other parties as required by law

<u>Inferences</u>	Marketing Partners Social Networks Advertising Networks Government entities, lawyers, consultants and other parties as required by law
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8.3 Whenever we use your information, we make sure that we take into account any potential impact that such use may have on you. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us at the address provided above.

## 9. Change of purpose

- 9.1 We will use your personal data only for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.
- 9.2 If we need to use your personal data for an unrelated purpose, we will either obtain your consent or we will notify you and set out the legal basis which allows us to do so.

## 10. Sharing your information

- 10.1 Please note that personal data we are holding about you may be shared with and processed by:
- 10.1.1 regulators or other third parties for the purposes of monitoring and/or enforcing our compliance with any legal and regulatory obligations, including statutory or regulatory reporting or the detection or prevention of unlawful acts.
- 10.1.2 Credit reference and fraud prevention agencies.
- 10.1.3 Any third party in the context of actual or threatened legal proceedings, provided we can do so lawfully (for example in response to a court order).
- 10.1.4 Third party payments providers to carry out data analysis including the number of visits to our website, when such visits are made, from which region and through which channel (if not a direct visit).
- 10.1.5 Other parties and/or their professional advisers involved in a matter where required as part of the conduct of the El Bandido Yankee Services.
- 10.1.6 Our own professional advisers and auditors for the purpose of seeking professional advice or to meet our audit responsibilities.
- 10.1.7 Our trusted social media, advertising and analytics advisers to provide customised content and advertising, to provide social media features and to analyse traffic to our website
- 10.1.8 Our service providers and agents (including their subcontractors) or third parties which process information on our behalf (e.g. internet service and platform providers, our bank, payment processing providers and those organisations we engage to help us send communications to you) so that they may help us to provide you with the applications, products, services and information you have requested (such third parties are not authorized by us to use or disclose any shared information except as necessary to perform services on our behalf or to comply with legal requirements).
- 10.1.9 Another organization to whom we may transfer our agreement with you or if we sell or buy (or negotiate to sell or buy) our business or any of our assets (provided that adequate protections and safeguards are in place).
- 10.2 Please note that the El Bandido Yankee Services may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. We encourage you to read the privacy policy of every website you visit.

## 11. Retention of personal data

- 11.1 Unless we are required or permitted by law to hold on to your data for a specific retention period we will hold your personal data only for as long as is necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements, in particular:
  - 11.1.1 Contact data is retained for as long as you are an active user of our platforms and for two years after you delete your account.
  - 11.1.2 Financial data is retained for six years from the date of your last transaction with or through us.
  - 11.1.3 Usage data is retained for as long as you are an active user of our platforms and for two years after you delete your account.
- 11.2 We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.
- 11.3 To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.
- 11.4 Where we no longer need your personal data, we will dispose of it in a secure manner.
- 11.5 In some circumstances you are entitled to ask us to delete your personal data: see your legal rights at paragraph 12 below for further information.
- 11.6 In some circumstances we will anonymize your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

## 12. Your rights in respect of your personal data

- 12.1 You have the right to request that we disclose to you what personal data we collect, use, disclose, and sell, including the right to request that we provide to you the specific information we have collected about you in the prior 12 months and you have the right to ask us to delete the personal data we collect about you, subject to exceptions set forth in the CCPA. California residents also have the right to opt-out from the sale of their personal data. These rights are subject to some limitations, such as when we are retaining data to comply with our own legal obligations. You will not be required to create an account with us to submit a request concerning your personal data.

You may be entitled to certain choices regarding your personal data. Please address written requests and questions about your rights to: [ENTER] and we will assist you with your request as soon as possible. Please note that to exercise these rights, we must verify your identity to make sure you are exercising rights related to personal data belonging to you and may request certain information to verify your identity and residency using personal data already provided by you (e.g., your name, address, username, or email address) prior to granting your request. We may also ask you to provide a signed declaration confirming your identity. Following a request, we will use commercially reasonable efforts to supply, correct or delete personal data about you in our files. In some circumstances, you may also appoint an authorized agent to submit requests to exercise certain privacy rights on your behalf by contacting us at [ENTER]. We will require verification that you provided the authorized agent permission to make a request on your behalf. You must provide us with a copy of the signed permission you have given to the authorized agent to submit the request on your behalf and verify your own identity directly with us. If you elect to exercise one of your choices listed below, you will not receive discriminatory treatment by us for exercising your privacy rights that are conferred upon you by law. You can make the following choices regarding your personal data:

- 12.1.1 **Right to Access:** the right to request certain information about, access to and copies of the personal data about you that we are holding (please note that you are entitled to request one copy of the personal data that we hold about you at no cost, but for any further copies, we reserve the right to charge a reasonable fee based on administration costs).
- 12.1.2 **Right to Correction:** the right to request correction of incomplete or inaccurate personal data that we hold about you. We may need to verify the accuracy of the new data you provide to us.
- 12.1.3 **Right to Withdraw Consent:** the right to withdraw your consent to our processing of the data (if the legal basis for processing is based on your consent).

- 12.1.4 **The Right to Erasure/“Right to be Forgotten”**: the right to request that we delete or erase your personal data from our systems where there is no good reason for us continuing to process it (however, this will not apply if we are required to hold on to the information for compliance with any legal obligation or if we require the information to establish or defend any legal claim);
- 12.1.5 **Right to Restriction of Use of Your Information**: the right to stop us from using your personal data or limit the way in which we can use it.
- 12.1.6 **Right to Object to Processing**: the right to object to our processing of your personal data including for marketing purposes and profiling. Please note some of the above rights are not absolute and will only apply in certain circumstances.
- 12.2 You have the right to unsubscribe from our marketing communications at any time by following the link in the footer of the last email you received from one of our brands (“Unsubscribe”) or by sending your request with detailed instructions to us (see contact details above in the “Data Controller details” section).
- 12.3 Please note that, if you withdraw your consent to the use of your personal data for purposes set out in our Privacy Policy, we may not be able to carry out our contractual obligations to you or provide you with access to all or certain parts of the El Bandido Yankee Services.

### **13. Personal data of children**

- 13.1 Our services are aimed at children ages 13+ and you will only be able to create a driver profile if you are this age or above. We will process your personal data in the same ways described above and you will also have all the same rights as above. If you are unsure about what we are doing, please contact us or ask your parent/guardian or contact us as set out above.
- 13.2 We will ensure that safeguards are in place when marketing any products or services to you and we will not carry out any profiling with your personal data.

### **14. Cookies**

- 14.1 A cookie is a small piece of information that is placed on your computer when you visit certain websites. When we refer to “cookies” we include other technologies with similar purposes, such as tags and identifiers. Find out more about the use of cookies on <http://www.cookiecentral.com/>.
- 14.2 As soon as you visit our website, our web server will automatically record an anonymous profile of which website you visited us from, pages you have visited and what sequence, and the date and length of your visit. This is aggregated data and does not identify you specifically. When you first visit our sites using a new browser, or if you visit in private browsing mode, we will provide you with a cookies permission banner seeking your consent to use of cookies as required by law. From this banner you will be able to access our cookies management tool. By clicking OK or clicking through to any part of the site, we will start to manage your visit using cookies. We use the following types of cookie, as will your browser:
  - 14.2.1 Analytics cookies that remember your computer or mobile device when you visit our website and recognise visits to our website across different devices. They keep track of browsing patterns and help us to build up a profile of how our readers use the website. We use that information for customer analytics and to serve advertisements that we think might be of particular interest to you on our and other websites. Your browser may use similar cookies for similar purposes and to serve advertisements for others.
  - 14.2.2 Service cookies that help us to make our website work as efficiently as possible; remember your registration and login details; remember your settings preferences; to detect what device you are using and adapt how we present our services according to the screen size of that device; and meter the number of pages you view.
  - 14.2.3 Third party advertising and analytics cookies, which are placed by or on behalf of independent advertisers who are advertising on our site. These cookies may be placed within the advertisement and elsewhere on our site by us or by your browser. They can allow the advertiser or your browser to tailor advertising to you when you visit other websites. They are used for statistical analysis by allowing the advertiser to count how many people have seen their advertisement or have seen it more than once, to make sure you are not repeatedly served with the same advertising messages.

### **15. Changes to this Privacy Policy**

We may amend this Privacy Policy from time to time, for example to keep it up to date, to implement minor technical adjustments and improvements or to comply with legal requirements. We will always update this Privacy Policy on our website, so please try to read it when you visit the website (the “last updated” reference tells you when we last updated our Privacy Policy).