

# CALIFORNIA PRIVACY POLICY

Last Updated: **August 28, 2020**

Benihana Inc. (“Company,” “we,” “our,” or “us”) takes your privacy seriously. We want you to know how we collect, use, share, and protect your Personal Information and about the rights of California Consumers under California law.

## **This Privacy Policy addresses the following topics**

- The Scope of this CA Privacy Policy
- The Company’s Collection, Use and Disclosure of Personal Information
- Your California Privacy Rights
- How to Exercise Your Rights
- Additional California Rights
- Additional Rights Under California Law
- Changes to This CA Privacy Policy
- For More Information

The section of this policy entitled, “The Company’s Collection, Use and Disclosure of Personal Information”, serves as your Notice at Collection required by California law when we collect personal information about you online.

## **The Scope Of This CA Privacy Policy**

### What Is Personal Information?

“Personal Information” means information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular California Consumer or household.

### Whose Personal Information Is Covered By This Policy?

This California Privacy Policy (“CA Privacy Policy”) applies to the Personal Information of residents of the State of California in their capacity as consumers (“California Consumers”).

### What Personal Information Does This Privacy Policy Cover?

This Privacy Policy applies to all Personal Information of California Consumers that we collect both online and offline, including through California Consumers’ (a) visits to our website, and (b) use of our services and purchase of our products that references this Privacy Policy (collectively, the “Services”).

### Whose Personal Information Is Not Covered By This CA Privacy Policy?

For purposes of this CA Privacy Policy, “Personal Information” does not include the personal information of California residents who are:

- Company’s employees, job applicants, owners, directors, officers, medical staff members, or independent contractors (collectively, “HR Individuals”), or the emergency contacts of HR Individuals or the dependents or spouses who receive Company benefits by virtue of their relationship to an HR Individual in their capacities as HR Individuals or emergency contacts, dependents, or spouses; or

- Employees or other agents of a business engaged in a transaction with Company in their capacities as employees or agents of that business.

### What Else Should I Know about the Company's Handling of California Consumers' Personal Information?

Please read Company's General Privacy Policy available at <https://www.benihana.com/privacy-policy/> carefully, as they contain important information about your use of the Services. If you have any questions, please contact us using the information below.

### The Company's Collection, Use and Disclosure of Personal Information

This section of the CA Privacy Policy describes, for the 12 months preceding the date last updated, above, (a) the categories of Personal Information we have collected about you, (b) the sources of that Personal Information, (c) the business and commercial purposes for use, and (d) the categories of third party recipients of your Personal Information. Unless we inform you otherwise, this section also serves as our "Notice at Collection" by informing you of your Personal Information to be collected in the future and the purposes for its use.

#### Categories Of Personal Information Collected

In the last 12 months, Company collected the following categories of Personal Information about California Consumers:

- **Identifiers**, including: name, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, and account name
- **Categories described in Cal. Civ. Code § 1798.80(e)** (except those already listed in "Identifiers" above), including: date of birth
- **Characteristics of protected classifications under California or federal law**, including: gender, family information
- **Commercial information**, including: products and services purchased, date of purchase
- **Internet or other electronic network activity information**, including: browsing history, last website visited
- **Sensory information**, including: surveillance video captures
- **Financial Information**, including: credit card or debit card information
- **Profile information**, including: feedback on surveys, attitudes collected from open-ended comments left by users on Company website, purchasing patterns, favorite store location (including how often you visit and when you visit), favorite type of food and beverages

#### Sources of Personal Information and Purposes for Using Personal Information

In the last 12 months, Company collected the categories of Personal Information listed above from the following sources and used those categories of Personal Information for the following purposes:

Categories of Personal Information Collected in the Last 12 Months	Sources of that Personal Information	Business Purposes and Commercial Purposes for Collecting that Personal Information
<p><b>Identifiers</b></p> <ul style="list-style-type: none"> <li>• name, postal address, unique personal identifier, online identifier, Internet Protocol address, email address</li> </ul>	<p>Directly from the California Consumer</p>	<ul style="list-style-type: none"> <li>• Performing services, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services, and providing analytic services.</li> <li>• Communications about promotions, for example, by communicating about special events, sweepstakes, promotions and surveys.</li> <li>• Facilitating communications, for example, by collecting and organizing contact information, establishing means of communications, and communicating with current and prospective customers, including regarding questions and feedback.</li> <li>• Auditing related to a current interaction with the consumer and concurrent transactions, including, but not limited to, counting impressions to unique visitors, verifying positioning and quality of impressions, and auditing compliance with the law.</li> <li>• Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity.</li> </ul>
<p><b>Categories described in Cal. Civ. Code § 1798.80(e)</b></p> <ul style="list-style-type: none"> <li>• date of birth</li> </ul>	<p>Directly from the California Consumer</p>	<ul style="list-style-type: none"> <li>• Performing services, including maintaining or servicing accounts, providing customer service, processing and transactions, verifying customer information.</li> </ul>
<p><b>Characteristics of protected classifications under California or federal law</b></p>		<ul style="list-style-type: none"> <li>• Performing services, including maintaining or servicing accounts, providing customer service, providing advertising or marketing</li> </ul>

Categories of Personal Information Collected in the Last 12 Months	Sources of that Personal Information	Business Purposes and Commercial Purposes for Collecting that Personal Information
<ul style="list-style-type: none"> <li>gender, family information</li> </ul>	Directly from the California Consumer	<p>services, and providing analytic services.</p> <ul style="list-style-type: none"> <li>Facilitating communications, for example, by collecting and organizing contact information, establishing means of communications, and communicating with current and prospective customers, including regarding questions and feedback.</li> <li>Communications about promotions, for example, by communicating about special events, sweepstakes, promotions and surveys.</li> </ul>
<p><b>Commercial information</b></p> <ul style="list-style-type: none"> <li>Products and services purchased, date of purchase.</li> </ul>	Directly from California Consumers	<ul style="list-style-type: none"> <li>Performing services, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services, and providing analytic services.</li> <li>Facilitating communications, for example, by collecting and organizing contact information, establishing means of communications, and communicating with current and prospective customers, including regarding questions and feedback.</li> <li>Communications about promotions, for example, by communicating about special events, sweepstakes, promotions and surveys.</li> </ul>
<p><b>Internet or other electronic network activity information</b></p> <ul style="list-style-type: none"> <li>Browsing history, last website visited</li> </ul>		<ul style="list-style-type: none"> <li>Communications about promotions, for example, by communicating about special events, sweepstakes, promotions and surveys.</li> </ul>

Categories of Personal Information Collected in the Last 12 Months	Sources of that Personal Information	Business Purposes and Commercial Purposes for Collecting that Personal Information
	Automated technologies in the website	<ul style="list-style-type: none"> <li>• Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity.</li> <li>• Debugging to identify and repair errors that impair existing intended functionality.</li> </ul>
<p><b>Sensory information</b></p> <ul style="list-style-type: none"> <li>• Surveillance video captures</li> </ul>	From surveillance cameras at store locations	<ul style="list-style-type: none"> <li>• Undertaking internal research for technological development and demonstration.</li> <li>• Auditing related to a current interaction with the consumer and concurrent transactions, including, but not limited to, counting impressions to unique visitors, verifying positioning and quality of impressions, and auditing compliance with the law.</li> <li>• Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity.</li> <li>• Debugging to identify and repair errors that impair existing intended functionality.</li> <li>• Short-term, transient use.</li> <li>• Performing services, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services, and providing analytic services.</li> <li>• Undertaking internal research for technological development and demonstration.</li> <li>• Undertaking activities to verify or maintain the quality or safety of Services, and to improve, upgrade, or enhance the Services.</li> </ul>

Categories of Personal Information Collected in the Last 12 Months	Sources of that Personal Information	Business Purposes and Commercial Purposes for Collecting that Personal Information
<p><b>Financial Information</b></p> <ul style="list-style-type: none"> <li>credit card or debit card information</li> </ul>	<p>Directly from California Consumers</p>	<ul style="list-style-type: none"> <li>Performing services, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services, and providing analytic services.</li> </ul>
<p><b>Profile information</b></p> <ul style="list-style-type: none"> <li>feedback on surveys, attitudes collected from open-ended comments left by users on Company website, purchasing patterns, favorite store location (including how often you visit and when you visit), favorite type of food and beverages</li> </ul>	<p>Directly from California Consumers</p>	<ul style="list-style-type: none"> <li>Performing services, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services, and providing analytic services.</li> <li>Undertaking internal research for technological development and demonstration.</li> <li>Product and service training, for example, by providing training and information on using, servicing, selling, and displaying Company's products and services.</li> <li>Communications about promotions, for example, by communicating about special events, sweepstakes, promotions and surveys.</li> <li>Facilitating communications, for example, by collecting and organizing contact information, establishing means of communications, and communicating with current and prospective customers, including regarding questions and feedback.</li> </ul>

Disclosure Of Personal Information To Third Parties

In the last 12 months, Company disclosed the following categories of Personal Information about California Consumers to the following categories of third parties for a business or commercial purpose.

Category of Personal Information	Categories of Third Parties
<b>Identifiers</b> <ul style="list-style-type: none"> <li>• name, postal address, unique personal identifier, online identifier, Internet Protocol address, email address</li> </ul>	<ul style="list-style-type: none"> <li>• marketing and advertising service providers</li> <li>• service providers for online ordering and delivery</li> <li>• payment processing service provider</li> </ul>
<b>Categories described in Cal. Civ. Code § 1798.80(e)</b> <ul style="list-style-type: none"> <li>• date of birth</li> </ul>	<ul style="list-style-type: none"> <li>• marketing service provider</li> </ul>
<b>Characteristics of protected classifications under California or federal law</b> <ul style="list-style-type: none"> <li>• gender, family information</li> </ul>	<ul style="list-style-type: none"> <li>• marketing service provider</li> </ul>
<b>Commercial Information</b> <ul style="list-style-type: none"> <li>• products and services purchased, date of purchase</li> </ul>	<ul style="list-style-type: none"> <li>• payment processing service provider</li> <li>• service providers for online ordering and delivery</li> </ul>
<b>Internet or Other Electronic Network Activity Information</b> <ul style="list-style-type: none"> <li>• browsing history, last website visited</li> </ul>	<ul style="list-style-type: none"> <li>• marketing and advertising service providers</li> </ul>
<b>Financial Information</b> <ul style="list-style-type: none"> <li>• credit card or debit card information</li> </ul>	<ul style="list-style-type: none"> <li>• marketing and advertising service providers</li> <li>• payment processing service provider</li> </ul>
<b>Profile Information</b> <ul style="list-style-type: none"> <li>• feedback on surveys, attitudes collected from open-ended comments left by users on Company website, purchasing patterns, favorite store location (including how often you visit and when you visit), favorite type of food and beverages</li> </ul>	<ul style="list-style-type: none"> <li>• marketing and advertising service providers</li> </ul>

No Sale of Personal Information

The Company does not and will not sell California Consumers' Personal Information.

Your California Privacy Rights

## Right to Know

California Consumers have the right to submit a verifiable request to know:

- The categories and specific pieces of Personal Information that Company has collected about them;
- The categories of sources from which Company collected the Personal Information;
- The categories of Personal Information that Company sold or disclosed to a third party (other than a service provider) for a business purpose and the categories of recipients of that information; and
- The business or commercial purposes for Company's collection, disclosure, or sale of the Personal Information.

## Right to Delete

- California Consumers have the right to submit a verifiable request for deletion of their Personal Information that Company has collected from the Consumer.

## Right to Opt Out of Sale of Personal Information

- California Consumers have a right to opt-out of the sale of the Personal Information. However, as stated above, Company does not and will not sell Personal Information.

## **HOW TO EXERCISE YOUR RIGHTS**

### a) Making Requests

Company will respond to requests in accordance with applicable law if it can verify the identity of the individual submitting the request. California Consumers can exercise their rights in the following ways:

- Complete the online request form available [here](#)
- Contact by telephone: 833-516-0018
- In our restaurants: You may complete and submit a form in person.

### Requests By Authorized Agents

You can have an authorized agent submit a CCPA request to us on your behalf by (a) providing us with a written authorization signed by you that designates the agent as your authorized agent for purposes of a CCPA request; (b) verifying your identity directly with us; and (c) directly confirming with us that the agent is authorized to submit the request.

### b) How We Will Verify Your Requests

To prevent anyone other than you, or your authorized agent, from exercising the right to know or the right to delete with respect to your personal information, we follow procedures to verify your, or your agent's, identity. This process seeks to confirm that the person making a request is the person about whom we have collected personal information or that person's authorized agent. The verification process involves matching data points that you provide with your

request against information about you we already have in our records and that we have determined to be reliable for purposes of verifying your identity. We will use information you provide in your completed request form to verify your identity, and we may request additional information if necessary to complete the verification process.

### **ADDITIONAL RIGHTS UNDER CALIFORNIA LAW**

#### a) The Company's Non-Discrimination Policy

California Consumers have the right not to be subject to discriminatory treatment by Company for exercising their privacy rights under the California Consumer Privacy Act, and Company will not discriminate on that basis. However, Company may charge a California Consumer a different price or rate or provide a different level or quality of goods or services if the difference is reasonably related to the value provided to the California Consumer by the Consumer's Personal Information. Company offers gift certificates to guests who register with the Company and provide their personal information. This is an optional program to allow our Company to serve the needs of our customers better. For more information, please refer to the Participation in Our Financial Incentive Program section below.

#### b) Participation in Our Financial Incentive Program

We offer our guests gift certificates ranging from \$30 annually to \$20 biannually depending on the respective Company restaurants in exchange for the guests' providing us with the following categories of personal information: (a) Identifiers such as: name, address, email address, date of birth, gender and phone number; and (b) preference information, such as the guest's preferred restaurant location, frequency of visit, meal time preference, and preferred meal and beverage type. The personal information provided will be used to tailor the marketing communications about promotions and events that we send to you. This program is purely voluntary; we will provide you with the same high quality of service if you choose not to participate in the program. We will not sell the personal information you provide to receive the financial incentive. For more information or to opt-in, please see the available [here](#).

#### c) Your Right to Information About Disclosures of Personal Information for Direct Marketing Purposes

Under California law, California Consumers can request information from us whether we have disclosed Personal Information to any third parties for the third parties' direct marketing purposes. We will not sell your Personal Information to, or share it with, third-party companies for their direct marketing purposes without your consent. California Consumers desiring to request further information about our compliance with these laws or who have questions or concerns about our privacy practices and policies are welcome to contact us using the contact information below.

#### d) Your 'Do Not Track' Browser Setting

The Site collects personally identifiable information about your online activities over time and across third-party websites or online services. We do not support the Do Not Track (DNT) browser setting. DNT is a preference you can set in your browser's settings to let the websites you visit,

including the Site, know that you do not want the sites collecting your personally identifiable information.

e) Third-Party Links And Services

We provide links to third party websites operated by organizations not affiliated with Company. We do not disclose your Personal Information to organizations operating such linked third-party websites. We do not review or endorse, and are not responsible for, the privacy practices of these organizations. We encourage you to read the privacy policy of each and every website that you visit. This Privacy Policy applies solely to information collected by Company through the Services.

**CHANGES TO THIS CA PRIVACY POLICY**

If we change this Privacy Policy, we will post those changes on this page and update the Privacy Policy modification date above. If we materially change this Privacy Policy in a way that affects how we use or disclose your personal information, we will notify you by prominently posting a notice of such changes before making them and by stating the effective date of the changes.

**FOR MORE INFORMATION**

For questions or concerns about Company's privacy policies and practices, please contact us at [production@benihana.com](mailto:production@benihana.com).