

Privacy Policy

FOODCIRCLES PRIVACY STATEMENT

Effective Date: May 4, 2012

This Privacy Statement (“**Privacy Statement**”) explains how FoodCircles, Inc. (“**FoodCircles**”) uses personal information (“**Personal Information**”) and applies to all new users who register on our site on or after the Effective Date. If you do not agree to our practices, please do not register, subscribe, create an account, obtain a Voucher, or otherwise interact with FoodCircles at www.FoodCircles.net (or the mobile and touch versions), and any individual, business partner-specific, restaurant-specific, city-specific, or other area-specific sites we offer (collectively, the “**Sites**”).

Please contact us if you have any questions or comments about our privacy practices or this Privacy Statement. You can reach us online at support@foodcircles.net.

1. Types of Personal Information We Collect

Personal Information is information that can be used to identify, locate, or contact an individual. It also includes other information that may be associated with Personal Information. We collect the following types of Personal Information:

- **Contact Information** that allows us to communicate with you, such as your name, postal addresses, email addresses, social media website user account names, telephone numbers, or other addresses at which you receive communications from or on behalf of FoodCircles.
- **Transaction Information** about how you interact with FoodCircles, such as the vouchers you view, obtain and redeem; other information about how you use our Sites, email, other communications, and applications; and how you interact with FoodCircles restaurants.
- **Mobile Location Information** to help us offer you real-time deals nearby, if you have activated one of our mobile applications and permitted your mobile or other location-aware device to transmit location data.

2. How FoodCircles Collects Personal Information

We ask you for Personal Information (including Contact Information, Transaction Information, and Mobile Location Information) when you register, subscribe, create an account, obtain Vouchers, or otherwise interact with the Sites or contact FoodCircles.

We collect Transaction Information when you use our Site. For example, we may track the Vouchers you view, obtain, or redeem. We use cookies and related technologies to collect information about your computer and your interaction with the Site and our business partner websites.

We also collect Transaction Information if you contact us via telephone, email, text, postal mail, social media interaction, or other methods of communication, such as for customer support purposes.

If you use a social media platform or your mobile device (or other method of communication) to interact with FoodCircles or the Sites, the application may have a specific privacy statement that governs the use of Personal Information related to that application. For example, if you use a FoodCircles mobile application and your mobile device’s settings allow it, we may collect Mobile Location Information from your device. Our application may be designed to collect information even if you are not logged into the FoodCircles application or the Sites. If you have questions about the security and privacy settings of your mobile device,

please refer to instructions from your mobile service provider or the manufacturer of your device to learn how to adjust your settings.

We may receive additional Personal Information from third parties. We may use this Personal Information to enhance other information we have about you to help us better understand you and to otherwise enhance the Sites or FoodCircles services.

3. How FoodCircles Uses Personal Information

FoodCircles uses Personal Information to:

- Operate and improve our Sites;
- Provide customers with offers for products and services from participating restaurants, including offers based on variables such as stated and anticipated customer interests, personal characteristics, or location;
- Facilitate orders for Vouchers, including their receipt and redemption;
- Evaluate eligibility of customers for certain offers, products or services;
- Evaluate the types of offers, products or services that may be of interest to customers;
- Track redemption of Vouchers and perform other analytics;
- Provide customer support, including to our restaurants or business partners;
- Fulfill requests for FoodCircles services;
- Communicate and provide additional information that may be of interest to you about FoodCircles and our restaurants and business partners, such as FoodCircles news, special offers and coupons, announcements, and marketing materials;
- Send you reminders, technical notices, updates, security alerts and support and administrative messages service bulletins, or marketing;
- Provide advertisements to you through the Sites, email messages, text messages, applications, or other methods of communication;
- Administer surveys, sweepstakes, contests, or other promotional activities or events sponsored by us or our partners;
- Manage our everyday business needs such as Site administration, forum management, fulfillment, analytics, fraud prevention, enforcement of our corporate reporting obligations, Terms of Use or to comply with the law, and
- Allow you to apply for a job, post a video or sign up for special offers from third parties through the Site.

4. When and Why FoodCircles Discloses Personal Information

We will not disclose your Personal Information to third parties except to:

- Affiliated companies (e.g., subsidiaries and other companies owned by or controlled by FoodCircles) who may only use the Personal Information for the purposes described in Section 3 above.
- Restaurants, but only to the extent you have obtained or redeemed a Voucher offered by the restaurant, or participated in an offer, contest or other activity sponsored or offered through FoodCircles on behalf of the restaurant. We may also provide restaurants with Personal Information about the individuals who have obtained the restaurants' Vouchers, to send customized offers, to validate the vouchers, to aid and troubleshoot redemption, to combat fraud, as part of legal proceedings affecting FoodCircles and the restaurant, and to facilitate a direct relationship between restaurants and customers and enable restaurants to communicate electronically with customers who obtained the restaurants' Vouchers.

- FoodCircles business partners or advertisers, as part of an offer, contest, or other activity that is provided by or in conjunction with FoodCircles and its business partners and in which you have elected to participate. For example, if you are referred to FoodCircles from a business partner's website or through an invitation facilitated by or in conjunction with a FoodCircles business partner, FoodCircles may provide that business partner with Contact Information and Transactional Information to validate the referral and to support the terms of the relationship between FoodCircles and the business partner, which may allow such business partner to contact you directly and to advertise to you.
- Effect a merger, acquisition, or otherwise; to support the sale or transfer of business assets; to enforce our rights or protect our property; to protect the rights, property or safety of others, investigate fraud, respond to a government request; or as needed to support auditing, compliance, and corporate governance functions. We may also disclose Personal Information to defend ourselves in litigation or a regulatory action, and when required or advised to do so by law, such as in response to a subpoena, or similar legal process, including to law enforcement agencies, regulators, and courts in the United States and other countries where we operate. If FoodCircles is involved in a merger, acquisition, or sale of all or a portion of its assets, you will be notified via email and/or prominent notice on our Site of any change in ownership or uses of your Personal Information, as well as any choices you may have regarding your Personal Information.
- We encourage FoodCircles Restaurants and business partners to adopt and post privacy policies. However, the use of your Personal Information by such parties is governed by the privacy policies of such parties and is not subject to our control.

We may also disclose information about you that is not personally identifiable. For example, we may provide our restaurants, business partners, or other third parties with reports that contain aggregated and statistical data about our users.

5. Cookies and Related Technologies

When you use our Sites, we collect certain information by automated or electronic means, using technologies such as cookies, pixel tags and web beacons, browser analysis tools, and web server logs. As you use our Sites and applications, your browser and devices communicate with servers operated by us, our business partners and services providers to coordinate and record the interactivity and fill your requests for services and information.

The information from cookies and related technology is stored in web server logs and also in web cookies kept on your computers or mobile devices, which are then transmitted back to our Sites by your computers or mobile devices. These servers are operated and the cookies managed by us, our business partners or our service providers.

For example, when you visit our Sites, FoodCircles and our service providers may place cookies on your computers or mobile devices. Cookies allow us to recognize you when you return, track and target your interests in order to provide a customized experience. They also help us provide a customized experience and help us to detect certain kinds of fraud. A "cookie" is a small amount of information that a web server sends to your browser that stores information about your account, your preferences, and your use of the Sites. Some cookies contain serial numbers that allow us to connect your Site activity with other information we store about you in your profile or as related to your interactions with the Sites.

Some cookies are temporary, whereas others may be configured to last longer. "Session" cookies are temporary cookies used for various reasons, such as to manage page views. Your browser usually erases session cookies once you exit your browser. "Persistent" cookies are more permanent cookies that are stored on your computers or mobile devices even beyond when you exit your browser. We use persistent cookies for a number of purposes, such as retrieving certain information you have previously provided (such as your user id if you asked to be remembered), and storing your preferences (e.g., the cities for which you want to be shown Vouchers).

Pixel tags and web beacons are tiny graphic images placed on website pages or in our emails that allow us to determine whether you have performed specific actions. When you access these pages or open email messages, the pixel tags and web beacons generate a notice of that action to us, or our service providers. These tools allow us to measure response to our communications and improve our web pages and promotions.

We collect many different types of information from cookies and other technologies. For example, we may collect information from the devices you use to access our Sites, your operating system type or mobile device model, browser type, domain, and other system settings, as well as the language your system uses and the country and time zone of your device. Browsers routinely send these types of information to web servers. Our server logs also record the Internet Protocol (“IP”) addresses of the devices you use to interact with the Sites. An IP address is a unique identifier that devices use to identify and communicate with each other on the Internet. We may also collect information about the website you were visiting before you came to our Site and the website you visit after you leave our Site, if this information is supplied to us by your browser.

In many cases, the information we collect using cookies and other tools is used in non-identifiable ways, without any reference to Personal Information. For example, we use information we collect about Site users to optimize our Sites and understand its traffic and usage patterns. In other cases, we associate the information we collect using cookies and related technologies with Personal Information. In that case, this Privacy Statement governs how we use that information.

Additionally, if the settings on your location-aware device allow us to receive Location Information, we will collect that automatically. If we associate Location Information with other Personal Information, this Privacy Statement governs how we would use that information too.

FoodCircles has relationships with third party advertising companies to place advertisements on our behalf onto other websites, and to perform tracking and reporting functions for our Sites and our advertisements. We do not share Personal Information with third party advertising companies; however, these third parties may automatically collect information about your visit to our Sites and other websites, your IP address, your ISP and the browser you use to visit this Site. They do this by using cookies, clear gifs and other technologies. Information collected may be used, among other things, to deliver advertising targeted to your interests and to better understand the usage and visitation of our Site and the other websites tracked by these third parties. This Privacy Statement does not cover the collection methods or use of the information collected by these third parties, and FoodCircles is not responsible for cookies or clear gifs in third party ads. We encourage you to review the privacy policies or statements of these third party advertising companies to learn more about their use of cookies and other technologies. If you would like more information about this practice and to know your choices about not having this information used by third party advertisers, please visit <http://www.networkadvertising.org>.

6. Bringing Friends to Restaurants via FoodCircles

FoodCircles enables you to earn rewards by bringing friends to restaurants. FoodCircles does not collect Personal Information about the persons with whom you share your experience with, unless the person so chooses to directly engage with the FoodCircles sites.

7. Your Choices

We think that you benefit from a more personalized experience when we know more about you and the kinds of deals you like.

You may manage how your browser handles cookies and related technologies by adjusting its privacy and security settings. Browsers are different, so refer to instructions related to your browser to learn about

cookie-related and other privacy and security settings that may be available. You can opt-out of being targeted by certain third party advertising companies online at www.networkadvertising.org/consumer/opt_out.asp or <http://preferences.truste.net/truste/>.

You may manage how your mobile device and mobile browser share Location Information with FoodCircles, as well as how your mobile browser handles cookies and related technologies by adjusting your mobile device privacy and security settings. Please refer to instructions provided by your mobile service provider or the manufacturer of your device to learn how to adjust your settings.

You may also manage the sharing of certain Personal Information with us when you connect with us through a social media platform or application, such as through Facebook Connect. Please refer to the privacy settings of the social media website or application to determine how you may adjust our permissions and manage the interactivity between FoodCircles and your social media account or your mobile device.

If you wish to opt out of receiving any correspondence directly from FoodCircles restaurants or business partners, you can follow the opt-out instructions in the emails that they send you.

8. Removing Personal Information

If you want to close your account or have other questions or requests, please contact us at support@foodcircles.net. While we are ready to assist you in managing your subscriptions, closing your account, and removing your active profile, we cannot always delete records of past interactions and transactions. For example, we are required to retain records relating to previous obtains on the Sites for financial reporting and compliance reasons.

We will retain your information for as long as your account is active or as needed to provide you services and to maintain a record of your transactions for financial reporting purposes. If you wish to cancel your account or request that we no longer use your information to provide you services, please contact us. We will retain and use your information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

9. Security of Personal Information

FoodCircles has implemented an information security program that contains administrative, technical and physical controls that are designed to reasonably safeguard Personal Information.

10. Notice to Residents of Countries outside the United States of America

FoodCircles, LLC is headquartered in the United States of America. Personal Information may be accessed by us or transferred to us in the United States or to our affiliates, business partners, restaurants, or service providers elsewhere in the world. By providing us with Personal Information, you consent to this transfer. We will protect the privacy and security of Personal Information according to our Privacy Statement, regardless of where it is processed or stored.

11. Privacy Practices of Third Parties

This Privacy Statement only addresses the use and disclosure of information by FoodCircles through your interaction with the Sites. Other websites that may be accessible through links from our Sites may have their own privacy statements and personal information collection, use, and disclosure practices. Our restaurants and business partners may have their own privacy statements, too. We encourage you to

familiarize yourself with the privacy statements provided by these other parties prior to providing them with information or taking advantage of an offer or promotion.

12. Communities

Our Sites may contain Communities and other areas where you may be able to publicly post information, communicate with others such as discussion boards or blogs, review products and restaurants, and submit media content. Prior to posting in these areas, please read our Terms of Use carefully. All the information you post will be accessible to anyone with Internet access, and any Personal Information you include in your posting may be read, collected, and used by others. For example, if you post your email address along with a public restaurant review, you may receive unsolicited messages from other parties. Please avoid publicly posting Personal Information.

13. Facebook Connect

FoodCircles offers Facebook users the opportunity to interact with friends and to share on Facebook using Facebook Connect. If you are logged into both FoodCircles and Facebook, when you use the Site's Facebook connection functions, we will link your Facebook account with your FoodCircles account if the email addresses match. If the email addresses do not match, we ask you if you want to link them and you must validate that you control the accounts. If you are already logged into FoodCircles but not logged into Facebook, when you use the Site's Facebook connection functions, you will be prompted to enter your Facebook credentials or to sign up for Facebook. By proceeding through any of these scenarios, you grant FoodCircles permission to access your Facebook profile information and to use it in accordance with the Facebook terms of use and this Privacy Statement.

If you are not currently registered as a FoodCircles user and you use the Site's Facebook connection functions, you will first be asked to enter your Facebook credentials and then be given the option to register and join FoodCircles. Once you register with FoodCircles and connect with Facebook, you will be able to automatically post recent FoodCircles activity back to your Facebook wall. Please refer to the privacy settings in your Facebook account to manage the performance of your Facebook account.

14. Changes to this Privacy Statement

From time to time, we may update this Privacy Statement to clarify our practices or to reflect new or different privacy practices, such as when we add new features to our Sites. If we make any material changes we will notify you by email (sent to the email address specified in your account) or by means of notice on the Site prior to the change becoming effective. We encourage you to periodically review this page for the latest information about our privacy practices.

15. California Privacy Rights

Pursuant to Section 1798.83 of the California Civil Code, residents of California can obtain certain information about the types of Personal Information that companies with whom they have an established business relationship have shared with third parties for direct marketing purposes during the preceding calendar year. In particular, the law provides that companies must inform consumers about the categories of Personal Information that have been shared with third parties, the names and addresses of those third parties, and examples of the types of services or products marketed by those third parties. To request a copy of the information disclosure provided by FoodCircles pursuant to Section 1798.83 of the California Civil Code, please contact us via email to support@FoodCircles.net, or by writing us at the following address:

FoodCircles, LLC