

# PRIVACY POLICY

**Last Updated:** January 23, 2023

## Introduction

Five Guys Enterprises LLC, along with its parent and affiliated entities (“**Five Guys**,” “**us**,” or “**we**”), has adopted this Privacy Policy to reflect our commitment to protecting your privacy. We take the collection of Personal Information from our consumers seriously and are committed to protecting your Personal Information in accordance with this Privacy Policy. Please read below to learn how we collect, use, and disclose Personal Information.

Five Guys only seeks to collect Personal Information as necessary to provide the products and services that you request from us and as otherwise disclosed in this Privacy Policy. Our Personal Information collection practices are focused so that we are only collecting and using your Personal Information to provide value to you. This Privacy Policy has been prepared to give you clear notice of:

- the categories of Personal Information collected and processed,
- the purposes for that processing,
- whether we have shared or sold your Personal Information to any third parties, and,
- if you are a resident of a state or country that provides you with additional privacy rights, information about those rights and how to exercise them.

For states and countries where you may have additional privacy rights, please see the corresponding portion of the section titled “**Your Privacy Rights and Choices**.” Currently, that section applies only to residents of California, Virginia, Nevada, the European Union, the additional countries that form the European Economic Area (namely, Norway, Liechtenstein, and Iceland), and the United Kingdom. As additional privacy laws take effect following the “Last Updated” date listed above, Five Guys will issue updates to this Privacy Policy and provide additional information for residents of the applicable states to inform you about your rights and the methods you can use to exercise those rights.

If you have any questions that aren’t answered in this Privacy Policy, you can always contact us at [privacy@fiveguys.com](mailto:privacy@fiveguys.com) or by using the other contact information provided in the “**Contact Us**” section below.

## Where This Privacy Policy Applies

This Privacy Policy applies to: (a) our websites, including the website available at <https://www.fiveguys.com/>, <https://www.order.fiveguys.com/>, <https://www.joinfiveguys.com/>, and other proprietary websites of Five Guys that may be used exclusively by our franchisees (e.g., the various <https://bread.fiveguys.com> websites) (each, a “**Website**” and collectively the “**Websites**”); (b) the Five Guys mobile app (the “**Mobile App**”); (c) Five Guys’ business process applications that may be used exclusively by our franchisees; (d) our interactions with our consumers in our corporate-owned stores in Virginia and California; and, (e) sweepstakes, contests, promotions, and, consumer satisfaction surveys (each, a “**Service**” and collectively the “**Services**”).

Please note that the franchisee-owned Five Guys stores are outside the control of Five Guys and, as such, this Privacy Policy does not apply to your in-store interactions in those stores. We encourage you to contact those franchisee-owned Five Guys stores directly to learn more about their privacy practices.

If a particular service provided by or on behalf of Five Guys refers or links to a different privacy policy, then that privacy policy applies.

## Contents of this Notice

Section	What can you find there?
<b>The Types of Information We Collect</b>	This section describes the categories and examples of Personal Information that Five Guys collects from you, as well as the categories of data subjects to which the collection practices apply. We also describe information that does not constitute Personal Information that may be collected by Five Guys, including publicly available information, deidentified or aggregated consumer information, or information that is excluded from the scope of applicable privacy laws.

<b>Personal Information Collected Via Technology</b>	Our Websites and Services use automated collection technologies, such as cookies and invisible pixels, to collect Personal Information from you. This section describes what automated collection technologies are used, the purposes of that collection, and how you can manage the use of automated collection technologies.
<b>How We Use Your Personal Information</b>	Read this section to learn more about how Five Guys uses your Personal Information. This section also describes how you can opt-out of direct marketing emails, how we handle automated decision making, and our practices with respect to deidentified information.
<b>How We Share Your Personal Information</b>	<p>This section describes Five Guys' practices with respect to the sharing of your Personal Information to third parties, including the categories of third party recipients in connection with disclosures for business purposes or sales of personal information. Read this section to learn more about our Personal Information sharing practices for the prior 12 months.</p> <p>We share personal information with our affiliates, service providers, contractors, and as otherwise described in this Privacy Policy in order to provide you with products and services, when necessary for our service providers or contractors to provide services to us, or for the other reasons listed in this section.</p>
<b>Sales of Personal Information</b>	The section describes Five Guys' sales of personal information for the prior 12 months. In short, however, Five Guys does not sell your personal information.
<b>Additional Legal Notices</b>	We have created this section to provide you with additional notices about our privacy practices, including notices about the security measures we take to protect your Personal Information, how we handle Personal Information for children under the age of 16, links to other websites that might be available through our Websites, and how we notify you regarding updates to our Privacy Policy.
<b>Contact Us</b>	If you would like to contact us with any questions regarding our Privacy Policy or privacy practices, you can find our contact information here. If you live in a state or country that gives you additional privacy rights, you can find out more information about exercising those rights in the corresponding portion of the section titled " <b>Your Privacy Rights and Choices.</b> "
<b>Your Privacy Rights and Choices</b>	<p>This section only applies to the residents of the states and countries that give additional privacy rights. As of the date this Privacy Policy was posted, that includes California, Virginia, Nevada, the European Union, the additional countries that form the European Economic Area (namely, Norway, Liechtenstein, and Iceland), and the United Kingdom. In this section, you can learn more about those privacy rights and the options Five Guys has made available for you to exercise those rights.</p> <p>Please note that this section, along with other relevant portions of this Privacy Policy, will be updated as new privacy laws take effect. In 2023, privacy laws in Colorado, Connecticut, and Utah will take effect so, if you're a resident of one of those states, check back to learn more information as it becomes available.</p>

## The Types of Information We Collect

We collect information that identifies, relates to, is reasonably capable of being associated with a particular living person or household ("**Personal Information**"). Privacy laws around the world describe Personal Information using a number of different terms, including personal data and personally identifiable information. For the purposes of this Privacy Policy, we use the term Personal Information with the intention that it be interpreted to mean the same thing as these other terms. If there is a specific type of Personal Information that has its own definition, we will provide that definition and use that name specifically (such as Sensitive Personal Information).

Various privacy laws exclude certain types of information from the respective definitions of Personal Information. For your awareness, Personal Information does not include:

- Publicly available information from government records;
- Deidentified or aggregated consumer information; or,
- Information excluded from the scope of applicable privacy laws (including the CCPA and GDPR), like:
  - health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA)

- and the California Confidentiality of Medical Information Act (CMIA) or clinical trial data;
- Personal Information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA), and the Driver's Privacy Protection Act of 1994.

The privacy laws also refer to the individuals or households from which Personal Information is collected a number of ways, including as data subjects or consumers. We use the term "consumer" in this Privacy Policy to avoid using unnecessarily abstract terms, but that term, as we use it, is the same as a data subject and includes customers, job applicants, and our business-to-business contacts. Please note that if you are an employee of Five Guys, or their dependent or emergency contact, a separate privacy policy applies to you and is available through Five Guys' human resources information systems. If you do not have access to those systems, please contact us for assistance by using the information in the "**Contact Us**" section below.

We have chosen to disclose this information broadly so that all of Five Guys' consumers are aware of our privacy practices, however, subject to the law where you reside, only certain categories of consumers may be able to exercise the rights described in the "**Your Privacy Rights and Choices**" section below.

The below chart contains a category of Personal Information labelled "Sensitive Personal Information." Under the applicable privacy laws, Sensitive Personal Information means Personal Information that reveals: (1) a consumer's social security, driver's license, state identification card, or passport number; (2) a consumer's account log-in, financial information, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account; (3) a consumer's precise geolocation (within a circle with a radius of 1,850 or less); (4) a consumer's racial or ethnic origin, religious or philosophical beliefs, or union membership; (5) the contents of a consumer's mail, email, and text messages unless the business is the intended recipient of the communication; or, (6) a consumer's genetic data. Sensitive Personal Information also include: (a) the processing of biometric information for the purpose of uniquely identifying a consumer; (b) personal information collected and analyzed concerning a consumer's health (mental or physical); and, (c) personal information collected and analyzed concerning a consumer's sex life or sexual orientation. In the Commonwealth of Virginia, Sensitive Personal Information also includes personal information collected from a known child younger than 13 years of age and information related to a consumer's citizenship or immigration status.

With respect to California consumers, please note that we do not collect information considered "Sensitive Personal Information" as those laws are drafted. Five Guys does not use this information to develop inferences about you and, as such, this information is only treated as Personal Information under California law.

In particular, in the prior 12 months we have collected the following categories of Personal Information from the listed categories of consumers:

Category of Personal Information	Examples	Sources of Information	Types of Consumers Affected
<b>Identifiers</b>	First and last name (or initials), postal address, Internet Protocol (IP) address, email address, account name, payment information, Social Security Number, or other similar identifiers.	<ul style="list-style-type: none"> <li>Directly from you.</li> <li>From third parties on your behalf, such as when they provide your name and email to refer you for a job</li> <li>Indirectly from you, such as through automated collection technologies.</li> <li>From service providers or contractors.</li> <li>From publicly available sources, such as social media sites.</li> </ul>	<ul style="list-style-type: none"> <li>Website users</li> <li>Customers</li> <li>Job applicants</li> <li>Franchisees</li> <li>Contractors (and their employees)</li> <li>Service providers (and their employees)</li> </ul>
<b>Personal Information under California Civil Code Section 1798.80(e)</b>	Name, signature, Social Security Number, address, telephone number, bank account name and number, other financial information, insurance policy number, health insurance information, and other information described under this law.	<ul style="list-style-type: none"> <li>Directly from you.</li> <li>From service providers or contractors.</li> <li>From publicly available sources, such as social media sites.</li> </ul>	<ul style="list-style-type: none"> <li>Website users (if you provide this information to us)</li> <li>Customers (if you provide this information to us)</li> <li>Job applicants</li> <li>Franchisees</li> <li>Contractors (and their</li> </ul>

	Note that some Personal Information described in this category overlaps with other categories.		employees) <ul style="list-style-type: none"> <li>Service providers (and their employees)</li> </ul>
<b>Protected Classification Characteristics</b>	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	<ul style="list-style-type: none"> <li>Directly from you.</li> <li>From service providers or contractors.</li> </ul>	<ul style="list-style-type: none"> <li>Job applicants</li> <li>Franchisees</li> <li>Contractors (and their employees)</li> <li>Service providers (and their employees)</li> </ul>
<b>Commercial Information</b>	Records of products or services purchased or considered, or other purchasing history or tendencies.	<ul style="list-style-type: none"> <li>Directly from you.</li> <li>Indirectly from you, such as through automated collection technologies.</li> <li>From service providers or contractors.</li> </ul>	<ul style="list-style-type: none"> <li>Customers</li> <li>Franchisees</li> </ul>
<b>Biometric Information</b>	Genetic, physiological, behavioral, and biological characteristics, or other activity patterns used to extract a template or other identifier such as fingerprints.	We do not collect this data from consumers.	None.
<b>Internet or Other Similar Network Activity</b>	Browsing history, search history, information on a consumer's interaction with the Websites, Mobile App, or advertisements.	<ul style="list-style-type: none"> <li>Indirectly from you, such as through automated collection technologies.</li> <li>From service providers or contractors.</li> </ul>	<ul style="list-style-type: none"> <li>Website users</li> <li>Customers</li> <li>Job applicants</li> <li>Franchisees</li> </ul>
<b>Geolocation Data</b>	Physical location or movements.	<ul style="list-style-type: none"> <li>Directly from you.</li> <li>Indirectly from you, such as through automated collection technologies.</li> <li>From service providers or contractors.</li> <li>From publicly available sources, such as social media sites.</li> </ul>	<ul style="list-style-type: none"> <li>Website users</li> <li>Customers</li> <li>Contractors (and their employees) if permitted or required by applicable contract</li> <li>Service providers (and their employees) if permitted or required by applicable contract</li> </ul>
<b>Sensory Data</b>	Audio, electronic, visual, thermal, olfactory, or similar information including COVID-19 related temperature checks, call monitoring, and video surveillance.	<ul style="list-style-type: none"> <li>Directly from you.</li> <li>From service providers or contractors.</li> </ul>	<ul style="list-style-type: none"> <li>Customers</li> <li>Job applicants</li> <li>Franchisees (if provided to us)</li> <li>Contractors (and their employees)</li> <li>Service providers (and their employees)</li> </ul>
<b>Professional or Employment-Related Information</b>	Current or past job history or performance evaluations.	<ul style="list-style-type: none"> <li>Directly from you.</li> <li>From service providers or contractors.</li> <li>From publicly available</li> </ul>	<ul style="list-style-type: none"> <li>Job applicants</li> <li>Franchisees</li> <li>Contractors (and their employees)</li> </ul>

		sources, such as social media sites.	<ul style="list-style-type: none"> <li>Service providers (and their employees)</li> </ul>
<b>Non-Public Education Information</b>	Education records related to a student maintained by an educational institution or a party action on its behalf, such as grades, transcripts, class lists, schedules, financial information, or disciplinary records.	We do not collect this data from consumers.	None.
<b>Inferences</b>	Profile information reflecting a consumer's preferences, characteristics, behavior, attitudes, or other similar information.	<ul style="list-style-type: none"> <li>We generate this information internally.</li> <li>From service providers or contractors.</li> </ul>	<ul style="list-style-type: none"> <li>Job applicants</li> <li>Franchisees</li> <li>Contractors (and their employees)</li> <li>Service providers (and their employees)</li> </ul>
<b>Sensitive Personal Information</b>	Social Security Number, driver's license, state identification card, or passport number, racial or ethnic origin, union membership, information related to a consumer's citizenship or immigration status.	We do not collect this data from consumers.	None.

Please note that there are places on our Websites where a third party can provide your Personal Information (or you can provide a third party's Personal Information), such as the "Refer a Friend" feature on the <https://www.joinfiveguys.com/>. If you provide a third party's Personal Information through the use of these features, you are making a representation that you have that third party's permission to provide their Personal Information and that they have agreed to the terms of this Privacy Policy. Where such features are made available, Five Guys will only use that information for the purpose for which it is given and does not otherwise store or use that information.

## Personal Information Collected Via Technology

When you visit the Five Guys Websites, including our web forms, we and our service providers acting on our behalf automatically collect certain information using tracking technologies like cookies, web beacons, and similar technologies. We use this information to understand how visitors to our websites are using them and which pages and features of the websites are most popular. This helps us understand how we can improve our websites and track performance of our advertisements and marketing emails that are sent to you. In addition, we use tracking technologies to help improve the navigation experience on the Websites.

A cookie is a piece of data contained in a very small text file that is stored in your browser or elsewhere on your hard drive. Cookies allow us to identify your device as you navigate our websites or your account. This makes navigating and interacting with our websites or your account more efficient, easy, and meaningful for you.

By themselves, cookies do not identify you specifically. Rather, they recognize your web browser. So, unless you identify yourself specifically to Five Guys, like signing into your account, we don't know who you are just because you visited our website. We use both session and persistent cookies. Session cookies are cookies that disappear from your computer or browser when you turn off your computer. Persistent cookies stay on your computer even after you've turned it off. Additionally, the cookies on our websites fall into five categories: (1) Strictly Necessary Cookies, (2) Functional Cookies, (3) Performance Cookies, (4) Social Media Cookies, and (5) Targeting Cookies. To learn more about each category of cookie, you can visit our cookie consent tool by clicking on the "Cookie Preferences" link on cookie banner for the Website you are visiting. If you have already selected your cookie preferences, you can clear cookies through your browser and revisit the Website, which will cause the cookie banner to reappear. You can also manage your cookie preferences by clicking the green "Manage Allowed Cookies" button in the lower lefthand corner of our Websites.

In addition to cookies, Five Guys uses "pixels" to enable certain cookies or advertisements on the Websites and to track the number of times a link or advertisement is served on a webpage. A pixel is a tiny image that is loaded when you visit our

Websites or open our marketing emails, but instead of calling up an image, it causes a cookie or application to be downloaded. Pixels can be used to track user activities, track the number of times a user has viewed a particular link or advertisement, track and optimize website traffic, display advertisements, keep track of advertising commissions, and otherwise collect data for online marketing and website analysis. As with cookies, our Websites utilize both session pixels and persistent pixels.

You have the option to manage the cookies we use in connection with the Websites through the cookie consent settings and preferences centers made available to you on the Websites. In addition to using our preference centers, you can use your browser settings to opt-out of most categories of cookies, with the exception of Strictly Necessary Cookies. Some browsers allow a “do not track” (DNT) setting that requests that a web application disable its tracking of an individual user. When you choose to turn on the DNT setting in your browser, your browser will send a special signal to websites, analytics companies, ad networks, plug-in providers, and other web services you encounter while browsing and stop tracking your activity. To set up DNT, you can visit the [All About DNT](#) page. If you do choose to set up DNT, we will automatically turn off all non-required cookies on Five Guys’ Websites for you. Please note that this may impact the functionality of our Websites or your account.

To learn more about how to opt out of targeting and advertising cookies, you can go to the [Your Online Choices](#) page, the [Network Advertising Initiative](#) page, and the [Digital Advertising Alliance’s Consumer Choice](#) page. These opt-out tools are provided by third parties, not Five Guys. We do not control or operate these tools or the choices that advertisers and others provide through these tools.

Global Privacy Control (GPC) is a technical specification that you can use to inform websites of your privacy preferences in regard to ad trackers. To set up GPC, you can visit the [Global Privacy Control](#) page. If you do choose to set up GPC, we will automatically turn off all non-required cookies on Five Guys’ Websites for you. Please note that this may impact the functionality of our Websites.

For more information about third party cookies used on our Website, please read the following:

#### **Google Analytics**

Our Websites use Google Analytics, a web analytics service provided by Google, Inc. (“Google”). Google Analytics uses “cookies”, which are text files placed on your computer, to help the Websites analyze how users use the site. The information generated by the cookie about your use of the Websites (including your IP address) will be transmitted to and stored by Google on servers in the United States. Google will use this information for the purpose of evaluating your use of the Websites, compiling reports on activity on our Websites, and providing other services relating to website activity and internet usage. Google may also transfer this information to third parties where required to do so by law, or where such third parties process the information on Google’s behalf. Google will not associate your IP address with any other data held by Google. You may refuse the use of cookies by selecting the appropriate settings on your browser, however, please note that if you do this you may not be able to use the full functionality of these Websites. By using our Websites, you consent to the processing of data about you by Google in the manner and for the purposes set out above. To find out more information about how Google may use your information, we encourage you to visit: <https://www.google.com/policies/privacy/partners/>.

#### **Facebook Pixel**

Our Websites use the Facebook Pixel, a web analytics service provided by Meta Platforms Inc. (previously, “Facebook Inc.”) (referred to, for convenience, as “Facebook”). The Facebook Pixel functions in the way described in the section labelled “**Personal Information Collected Via Technology**” above. You may refuse the use of technologies like the Facebook Pixel by selecting the appropriate settings on your browser, however, please note that if you do this you may not be able to use the full functionality of these Websites. By using our Websites, you consent to the processing of data about you by Facebook in the manner and for the purposes set out above. To find out more information about how Facebook may use your information, we encourage you to visit: <https://www.facebook.com/business/m/privacy-and-data>.

#### **TikTok Pixel**

Our Websites use the TikTok Pixel, a web analytics service provided by TikTok Inc. (“TikTok”). The TikTok Pixel functions in the way described in the section labelled “**Personal Information Collected Via Technology**” above. You may refuse the use of technologies like the TikTok Pixel by selecting the appropriate settings on your browser, however, please note that if you do this you may not be able to use the full functionality of these Websites. By using our Websites, you consent to the processing of data about you by TikTok in the manner and for the purposes set out above. To find out more information about how TikTok may use your information, we encourage you to visit: <https://ads.tiktok.com/i18n/official/policy/business-products-terms> and <https://ads.tiktok.com/i18n/official/policy/privacy>.

## **How We Use Your Personal Information**

We may use or disclose the Personal Information we collect for one or more of the following purposes:

- To fulfill or meet the reason you provided the information. For example, if you share your name and contact

information to ask a question about our products or services, we will use that Personal Information to respond to your inquiry. If you provide your Personal Information to purchase a product or service, we will use that information to process your payment and facilitate delivery. If you provide Personal Information to enter a contest or sweepstake, we will use that information to process your entry and to contact you to fulfill the terms of that contest or sweepstake if you win. We may also save your information to facilitate new product orders or process returns. If you provide Personal Information to apply for a job with Five Guys, we will use that information to review and process your application.

- To provide, support, personalize, and develop our Websites, products, and services.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your experience on our Websites and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our Websites, third-party sites, and via email or text message (with your consent, where required by law).
- To provide you with Five Guys related information, promotions, offers, products, or services that you request from us or that you have consented to receive via email direct marketing.
- To help maintain the safety, security, and integrity of our Websites, products and services, databases and other technology assets, and business.
- For testing, research, analysis, and product development, including to develop and improve our Websites, products, and services.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- As described to you when collecting your Personal Information or as otherwise set forth in applicable privacy laws.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which Personal Information held by us about our consumers is among the assets transferred.

We will not collect additional categories of Personal Information or use the Personal Information we collected for materially different, unrelated, or incompatible purposes without providing you advance notice. We will not perform any automated decision-making processes involving the information that we collect.

Five Guys may periodically engage in direct marketing as described above, however, you will be able to opt out at any time by following the instructions included in every e-mail sent to you via the "Unsubscribe" link. You may not opt out of non-promotional communications from Five Guys, including confirmation messages regarding successful order requests. Please note, regardless of your communication settings, we may continue to communicate with you regarding changes to terms and conditions, Privacy Policy updates, data breaches, or other significant information related to your Personal Information for as long as it is retained by Five Guys.

We may create Deidentified Information records from Personal Information by excluding information (such as your name and/or IP address) that would allow someone to identify a specific individual. "**Deidentified Information**" means information that is not associated with or linked to your Personal Information, including any feedback you may provide, which cannot be reidentified with your Personal Information. Deidentified Information does not permit the identification of individual persons. We may use this Deidentified Information to analyze request patterns and usage patterns so that we may enhance our products and services. Five Guys reserves the right to use and disclose Deidentified Information to third parties in its discretion, however, we will maintain and use the information in deidentified form and will not attempt to reidentify the information, or authorize any third party to reidentify the information, except in connection with determining whether the deidentification processes satisfy the requirements of applicable privacy laws.

## How We Share Your Personal Information

We may disclose your Personal Information to a third party for a business purpose, specifically to enable and support the uses of your Personal Information described in the "**How We Use Your Personal Information**" section above. When we disclose Personal Information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that Personal Information confidential and not use it for any purpose except performing the contract.

While Five Guys does not typically sell Personal Information, some states interpret the sharing of personal information with third party service providers for online advertising may be considered a "sale" of information. Except for this kind of sharing, Five Guys doesn't sell any of your information. In the interest of full disclosure, we have indicated when your Personal Information may be considered a "sale" in certain states, such as California, but want to assure you that most states do not consider this sharing a sale and otherwise we do not sell Personal Information. For more details, please read the "**Sales of Your Personal Information**" section below.

In the prior 12 months, Five Guys has disclosed for a business purpose and/or sold Personal Information to the categories of third parties indicated in the chart below.

Category of Personal Information	Category of Third-Party Recipients	
	<i>Business Purpose Disclosures</i>	<i>Sales</i>
<b>Identifiers</b>	<ul style="list-style-type: none"> <li>• Service providers</li> <li>• Contractors</li> <li>• Affiliates of Five Guys</li> <li>• Franchisees of Five Guys</li> <li>• Government agencies (subject to valid legal processes)</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers</li> </ul>
<b>Personal Information under California Civil Code Section 1798.80(e)</b>	<ul style="list-style-type: none"> <li>• Service providers</li> <li>• Contractors</li> <li>• Affiliates of Five Guys</li> <li>• Franchisees of Five Guys</li> <li>• Government agencies (subject to valid legal processes)</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers</li> </ul>
<b>Protected Classification Characteristics</b>	<ul style="list-style-type: none"> <li>• Service providers (only if such service provider is providing services relevant to this information)</li> <li>• Contractors (only if such contractor is providing services relevant to this information)</li> <li>• Affiliates of Five Guys</li> <li>• Franchisees of Five Guys</li> <li>• Government agencies (subject to valid legal processes or as required by law)</li> </ul>	We do not sell this data.
<b>Commercial Information</b>	<ul style="list-style-type: none"> <li>• Service providers</li> <li>• Contractors</li> <li>• Affiliates of Five Guys</li> <li>• Franchisees of Five Guys</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers</li> </ul>
<b>Biometric Information</b>	We do not collect this information from consumers.	We do not collect this information from consumers.
<b>Internet or Other Similar Network Activity</b>	<ul style="list-style-type: none"> <li>• Service providers</li> <li>• Contractors</li> <li>• Affiliates of Five Guys</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers</li> </ul>
<b>Geolocation Data</b>	<ul style="list-style-type: none"> <li>• Service providers</li> <li>• Contractors</li> <li>• Affiliates of Five Guys</li> </ul>	We do not sell this data.
<b>Sensory Data</b>	<ul style="list-style-type: none"> <li>• Service providers</li> <li>• Contractors</li> <li>• Affiliates of Five Guys</li> <li>• Franchisees of Five Guys</li> </ul>	We do not sell this data.
<b>Professional or Employment-Related Information</b>	<ul style="list-style-type: none"> <li>• Service providers</li> <li>• Contractors</li> <li>• Affiliates of Five Guys</li> <li>• Franchisees of Five Guys</li> </ul>	We do not sell this data.
<b>Non-Public Education Information</b>	We do not collect this information from consumers.	We do not collect this information from consumers.
<b>Inferences</b>	<ul style="list-style-type: none"> <li>• Affiliates of Five Guys</li> </ul>	We do not sell this data.



	<ul style="list-style-type: none"> <li>• Franchisees of Five Guys</li> </ul>	
<b>Sensitive Personal Information</b>	We do not collect this information from consumers.	We do not collect this information from consumers.

To our knowledge, any sharing of Personal Information does not knowingly involve information related to children under the age of 16.

We may share some or all of your Personal Information with "Affiliates" (parent company, subsidiaries, joint ventures, or other companies under common ownership and/or control), in which case we will require our Affiliates to provide at least the same degree of protection for your Personal Information as we do under this Privacy Policy. If our company or our assets are acquired by another company, that company will possess the Personal Information collected by us and it will assume the rights and obligations regarding your Personal Information as described in this Privacy Policy.

If we disclose your Personal Information to Affiliates or third parties as identified in this section, we agree to be liable for violations of your privacy rights by the Affiliates and third parties to which we have disclosed your Personal Information. Some of our Affiliates may be international organizations or organizations that were formed in the United States. If we share your Personal Information with such Affiliates, we will use appropriate methods to transmit your information in accordance with all applicable laws and regulations. Such methods may include the model contract clauses, binding corporate bylaws, or other legal transfer mechanisms that may take effect including the EU-US Data Privacy Framework.

In addition to the above, we may share your Personal Information with any third party at your instruction or request. That kind of sharing is not for our business purposes, though, and is not included in the above chart.

In certain circumstances, we may be required to disclose your Personal Information in response to lawful requests by public authorities, including to meet national security or law enforcement requirements, as well as to prevent crime or fraud.

## Sales of Your Personal Information

Five Guys allows certain companies, who are service providers to Five Guys pursuant to written contracts, to place tracking technologies like cookies and pixels on our sites, which allow those companies to receive information about your activity on Five Guys that is associated with your browser or device. The companies may use that data to serve you more relevant ads on our sites or others. Under some state laws, sharing data for online advertising like this may be considered a "sale" of information. Except for this kind of sharing, Five Guys doesn't sell any of your information.

To our knowledge, any sales of Personal Information do not knowingly involve information related to children under the age of 16.

You always have full control over whether these technologies work on your devices. You can disable them entirely using our cookie consent preference tools (for instructions, see the section above labelled "**Personal Information Collected Via Technology**"), or by clicking the "Do Not Sell My Information" link on our websites.

## Additional Legal Notices

### *How We Protect Your Information*

To protect your Personal Information, Five Guys has adopted reasonable technical and organizational precautions in addition to following industry best practices to make sure it is not inappropriately lost, misused, accessed, disclosed, altered, or destroyed.

Five Guys has implemented industry-standard organizational and electronic means of protecting your Personal Information. Our Websites make use of back-end technology that has been CSA STAR Certified and covered by a range of ISO certifications, including ISO 27001:2013, ISO 27017:2015, ISO 27018:2014, ISO 20000-1:2011, ISO 22301:2012, and ISO 9001:2015, and which is designed protect your Personal Information. We store Personal Information behind a computer firewall, which is a barrier designed to prevent outsiders from accessing our servers. In addition, Five Guys protects your Personal Information from unauthorized physical access by storing your Personal Information in a controlled facility. Except as provided elsewhere in this Privacy Policy, Five Guys limits access to Personal Information, regardless of if it is stored electronically or in physical form, to those persons (including employees and contractors) in Five Guys' organization who have a business need for such access.

Even though we have taken significant steps to ensure that your Personal Information is not intercepted, accessed, used, or disclosed to or by unauthorized persons, you should know that Five Guys cannot completely eliminate security risks

associated with Personal Information.

### **Notice Regarding Children**

We do not target our Websites or Services toward or intentionally gather Personal Information about visitors who are under the age of 16. Furthermore, we do not intentionally allow visitors under the age of 18 to place orders via our Websites. If a child under 16 submits Personal Information to us and we learn that the Personal Information is the information of a child under 16, we will attempt to delete that Personal Information as soon as possible. If you believe that we might have any Personal Information from a child under 16, please contact us using the information in the below "Contact Us" section.

By using this Website, you represent that you are at least the age of majority in your state, province, or country of residence, or that you are the age of majority in your state, province, or country of residence and you have given us your consent to allow any of your minor dependents to use this Website.

### **Links To Other Sites**

If we have provided a link to any other website or location, it is for your convenience and does not signify our endorsement of such other website or location or its contents. We have no control over, do not review, and cannot be responsible for these outside websites or their content. Please be aware that the terms of our Privacy Policy do not apply to these outside websites.

Of particular note, please be aware that the Five Guys "Gear" website, available at <https://shopfiveguys.com/> is operated by our trusted partner, The Icebox - Cool Stuff, LLC, and is not controlled or operated by Five Guys. The terms of our Privacy Policy do not apply to that outside website, which has its own Terms of Service and Privacy Policy. We are not responsible for the privacy practices of that website, except as otherwise required under the relevant laws and regulations. We encourage you to read their terms and privacy statements if you wish to utilize these websites and applications.

Once you leave our Websites or are redirected to a third-party website or application, you are no longer governed by this Privacy Policy or our Websites' Terms of Service. For your convenience, we may provide pop-up banners or notices in some instances when you leave our Websites or are directed to a third-party website or application, but we make no representations that we will provide such notice for all third party links on our Websites.

When you click on links on our store, they may direct you away from our Websites. We are not responsible for the privacy practices of other sites and encourage you to read their privacy statements.

### **Privacy Policy Updates**

We reserve the right to amend this Privacy Policy at our discretion and at any time. If we change the way we collect, use, or disclosure your Personal Information that require us to make changes to this Privacy Policy, we will post a notice on this page and update the Privacy Policy's effective date. Your continued use of our Websites following any posted updates to the Privacy Policy constitutes your acceptance of such changes. If you object to any of the changes to our Privacy Policy, you must stop using the Websites.

## **Contact Us**

If you have any general questions about our Privacy Policy or questions about how we collect, use, or share your Personal Information, or would like to exercise your rights with respect to your Personal Information as permitted by certain laws applicable to consumers as described in greater detail below, please do not hesitate to contact our Privacy Officer at:

**Phone:** (877) 258-2136

**Privacy Policy Location:** <https://www.fiveguys.com/Privacy-Policy>

**Email:** [privacy@fiveguys.com](mailto:privacy@fiveguys.com)

#### **Mailing Address:**

Five Guys Enterprises LLC  
ATTN: Privacy Officer  
10718 Richmond Highway  
Lorton, VA 22079 USA

## **Your Privacy Rights and Choices**

### **CALIFORNIA**

As modified by the California Privacy Rights Act, the California Consumer Privacy Act ensures that California consumers have the following rights with respect to the collection, use, sharing, sale, and other processing of their personal information:

- The right to know what personal information has been collected about you, including the categories and sources and/or the specific pieces of personal information;
- The right to access the personal information, including to obtain a copy that can easily be sent to another data controller;
- The right to request the deletion of your personal information;
- The right to correct inaccurate personal information;
- The right to opt-out of the sale or sharing of your personal information;
- The right to request the limitation of the use and disclosure of your Sensitive Personal Information;
- The right to opt-in to sale or sharing of your personal information (if you have previously affirmatively opted-out); and,
- The right not to be discriminated against for exercising any of your rights with respect to your personal information.

To exercise any of these rights, please follow the link under “**Exercising US Privacy Rights and Choices**” and provide the requested information.

### ***Other California Privacy Rights***

California’s “Shine the Light” law (Civil Code Section § 1798.83) permits users of our Websites that are California residents to request certain information regarding our disclosure of Personal Information to third parties for their direct marketing purposes. To make such a request, please send an email to [privacy@fiveguys.com](mailto:privacy@fiveguys.com) or contact us using the information provided in the “**Contact Us**” section.

## **VIRGINIA**

The Virginia Consumer Data Protection Act ensures that Virginia consumers have the following rights with respect to the collection, use, sharing, sale, and other processing of their personal information:

- The right to confirm whether a controller is processing personal information about the consumer and to access that personal information, including to obtain a copy that can easily be sent to another data controller;
- The right to correct inaccurate personal information;
- The right to delete the personal information possessed by the controller;
- The right to opt-out of the processing of personal information for the purposes of targeted advertising, sales of personal information, or profiling;
- If your request is denied, the right to appeal that refusal; and,
- The right not to be discriminated against for exercising any of your rights with respect to your personal information.

To exercise any of these rights, please follow the link under “**Exercising US Privacy Rights and Choices**” and provide the requested information.

### ***Appeals Process***

If you believe that any request you have submitted has been denied in error, you are entitled to appeal that decision by submitting a request using the link under “**Exercising US Privacy Rights and Choices**” and provide the requested information. Specifically, you will need to provide your state of residence and contact information as required by the mandatory fields within the webform, then should select that you would like to “Submit an Appeal” under the “Request Type” field. We will also ask for your prior Request ID, which you can find in the subject line of the emails you have received from us with respect to your prior request. You should provide your reason for requesting an appeal in the “Request Details” field of our webform.

After receiving your appeal, members of our Privacy Team will review your appeal, the rationale for denying the initial request, and will respond to you within 60 days regarding any action taken or not taken and the reasons for those actions. If your appeal is denied, we will provide you with information by which you can contact the Virginia Attorney General in order to submit a complaint.

## **NEVADA**

If you are a resident of the State of Nevada, you have the right to request that Five Guys not sell the Personal Information we currently have about you or that we might collect about you in the future. Although it is currently Five Guys’ policy not to sell our consumers’ Personal Information as a “sale” is defined under Nevada law, if you would like to register an email

address with Five Guys to request that we not sell your Personal Information now or in the future, please follow the link under **“Exercising US Privacy Rights and Choices”** and provide the requested information.

## **EXERCISING US PRIVACY RIGHTS AND CHOICES**

If you are a resident of California, Virginia, or Nevada and would like to exercise any of the privacy rights made available in the state where you are a resident, please submit a verifiable consumer request to us by either:

- Calling us at (877) 258-2136;
- Submitting your request using the below webform;

### **EXERCISE YOUR PRIVACY RIGHTS**

OR,

- If you are a California resident, visiting one of our California corporate-owned Five Guys stores and submitting your rights request on the physical forms available in store, which must be returned to Five Guys by mail in an envelope affixed with the appropriate postage to the address listed on that form.

Please also note that you are currently only permitted to submit one type of request at a time on the above webform. If you would like to submit multiple request types, please submit a separate form for each and we will work with you to process the requests in an appropriate order.

Only you, or where allowed by applicable law someone legally authorized to act on your behalf, may make a verifiable consumer request related to your Personal Information. You may also make a verifiable consumer request on behalf of your minor child. If permitted by applicable law, to designate an authorized agent, you must authorize that agent to act on your behalf and the authorized agent must provide a copy of that written authorization when submitting their request on your behalf.

The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected Personal Information or an authorized representative, which may include:
  - Your first and last name;
  - Email address(es);
  - Street address; and,
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Based on the information you have provided, we will make commercially reasonable efforts to verify your identity against the information already in our systems. In the event we cannot verify your identity, we may request additional information from you so that we may complete your request in compliance with the requirements of applicable law. Please note that if you do not provide the required information, we may not be able to complete your rights request and will be required to deny it.

We cannot respond to your request or provide you with Personal Information if we cannot verify your identity or authority to make the request and confirm the Personal Information relates to you.

You do not need to create an account with us to exercise the rights made available to you the applicable privacy laws. We will only use Personal Information provided in a verifiable consumer request to verify the requestor’s identity or authority to make the request.

## **RIGHTS AND CHOICES FOR EU, EEA, AND UK CONSUMERS**

If you are a resident of the European Economic Area or the United Kingdom, your local laws provide you with additional rights regarding our use of your personal information. The following supplements the information contained in the other sections of this Privacy Policy and applies only with respect to personal information collected from residents of countries to which the General Data Protection Regulation (“**GDPR**”) or UK General Data Protection Regulation (“**UK-GDPR**”) apply.

### ***Cross-Border Transfers***

Five Guys is a corporation located in the United States. If personal information is collected on our behalf from residents of the European Economic Area or the United Kingdom, that information may be transferred to the United States, which is

not subject to an adequacy decision by the European Commission or the UK Information Commissioner's Office. If personal information is transferred to the United States, those transfers will be subject to legal transfer mechanisms that may include the European Commission's Standard Contractual Clauses and the UK's International Data Transfer Addendum to the European Commission's Standard Contractual Clauses. Five Guys adopts additional measures to protect your personal information during cross-border transfers including encryption in transit.

### **Lawful Bases for Processing**

Under GDPR and UK-GDPR, the lawful bases we rely on for processing your personal information are:

- You have given your consent to the processing of your personal information
- Processing is necessary for the performance of a contract
- Processing is necessary for compliance with a legal obligation
- Processing is necessary in order to protect the vital interests of you or another person
- Processing is necessary for the purposes of the legitimate interests pursued by Five Guys (provided that our interests are not overridden by your interests or fundamental rights and freedoms)

Where you have given your consent to the processing of your personal information, you are able to revoke your consent at any time and can do so by following the instructions in the section titled "**Your Data Protection Rights**" below.

### **Your Data Protection Rights**

Under GDPR and UK-GDPR, you have the right to exercise control over your personal information, including:

- **Right of access** – you have the right to obtain a copy of the personal information that we hold about you, including other supplementary information
- **Right to rectification** – you have the right to have inaccurate personal information corrected and to have incomplete personal information completed
- **Right to erasure** – you have the right to have the personal information that we currently hold about you erased, subject to certain exceptions (such as if the personal information is necessary for us to comply with a legal obligation)
- **Right to restrict processing** – you have the right to request that we restrict the processing of your personal information in certain circumstances
- **Right to object to processing** – you have the right to object to the processing of your personal information in certain circumstances
- **Right to data portability** – you have the right to obtain the personal information we currently hold about you in a structured, commonly used and machine readable format so that you can transmit that personal information directly to another controller or you can request that we transmit that personal information for you

You are not required to pay any charge for exercising your rights under GDPR and UK-GDPR.

### **Exercising Your GDPR Rights**

You have the right to control your Personal Information as described below. In order to request access to, correct, object to our use and retention of your Personal Information, or to exercise any of your rights related to your Personal Information as described in your local law, please send a request by e-mail to [privacy@fiveguys.com](mailto:privacy@fiveguys.com) or by mail using the contact information listed in the "Contact Us" section above. Please include "Personal Information Request" in the subject line of your e-mail.

You can control your Personal Information in the following ways:

- You can ask us to see and/or obtain a copy of the Personal Information we hold about you;
- You can inform us of any changes to your Personal Information, or if you want us to correct any of the Personal Information we hold about you;
- In certain situations, you can ask us to erase, block, or restrict the Personal Information we hold about you, or object to the particular ways in which we are using your Personal Information; and,
- In certain situations, you can also ask us to send the Personal Information you have given us to a third party.

When you contact us to exercise any of the privacy rights described above, please provide the following:

- Your first and last name;
- Your e-mail address;
- Your phone number;
- Your country or countries of citizenship; and,
- A brief description of your request, which can be based on the above list.

Because we do not want your Personal Information to be exposed to someone else, we will make a reasonable effort to

confirm your identity before processing your request. This identity confirmation effort may come directly from us or from a trusted vendor.

Five Guys will only use the Personal Information you provide in connection with your request to check our systems and confirm whether we possess any of your Personal Information and to process any Personal Information access or management requests we receive from you. After we have completed reviewing your request, we may store the information we provide to you for a reasonable amount of time after fulfilling your request in case you have additional inquiries. After the information is no longer necessary, we will automatically delete this information from our records or make it permanently unreadable (masked data).

Any contact information provided in connection with a request to exercise your rights related to your Personal Information will not be used for direct marketing purposes and will not be shared with others unless necessary to verify your identity and/or complete your request.

### ***Response Timing and Format***

We will do our best to respond to your request as soon as possible, and, in any event, no later than 30 days after receiving your request. Please note that making multiple requests at one time may slow down our processing of your request. If additional time is required to complete your request, we will notify you of that fact and the reasons why we require additional time to fully respond to your particular request.

In certain circumstances, where we are able to do so, some requests may need to be fulfilled in a logical order. For example, if you request to see what information Five Guys has about you and at the same time request that Five Guys erase your Personal Information, we will first provide you with access to your Personal Information, then we may ask you to confirm again that you would like us to delete that information.

In some circumstances, we may not be able to comply with your requests related to your Personal Information. In those cases, we will respond as soon as possible, and, in any event, no later than 30 days after receiving your request. Our response will let you know if and why we are not able to comply and will share information with you about how you can object to the relevant Supervisory Authorities if you think our continued use or maintenance of that information is improper.

If you have a concern about our handling of your Personal Information or your request, please contact us first using the information in the "Contact Us" section below so we can try to resolve your concerns. We are committed to working with you to obtain a fair resolution to any complaint or concern you may have about our use of your Personal Information. If, however, you believe that we have not been able to assist with your request, complaint, or concern, you may have the right to lodge a complaint with the data protection authority in your country (if one exists in your country) or supervisory authority. You may also have a right to a judicial remedy if it is determined your Personal Information is being used illegally.