

PRIVACY POLICY

Effective September 17th, 2016

WE RESPECT THE PRIVACY OF EVERY INDIVIDUAL WHO VISITS THIS SITE

This Privacy Policy ("Policy") explains how http://www.nyysteak.com/yankee_stadium (the "Website") collects and otherwise processes personally identifiable information, including Job Posting Information as defined below (collectively, "Personal Information"). We collect, use and disclose Personal Information for business purposes only unless otherwise set out herein. We will not share this information in ways different from what is disclosed in this Policy. If you have any questions about this Policy, the Website, please contact us at customer_care@hardrock.com.

WHO IS COLLECTING YOUR INFORMATION

The Website is owned and operated by NYY Steak LLC ("NYY Steak", "we", "us" or "our"). This Policy applies only to the Website. NYY Steak is the sole owner of the information collected on the Website.

LINKS

The Website contains links to other sites whose privacy policies may differ from those of NYY Steak which we recommend you carefully review and consider. We cannot be responsible for the privacy policies and practices of other websites even if you access them using links from our Website.

WHAT INFORMATION WE COLLECT

Personal Information from the Website is gathered in two ways: (1) indirectly, i.e., certain Website information about you, such as domain name, IP address, browser type and page views, **mobile device ID and type**, which is collected through our Website's technology to provide certain functionality to you, to remember you when you return, to customize our Website to your preferences and manage content, and compile statistics about Website usage; and (2) directly, when (a) you voluntarily submit Personal Information such as, first and last names, addresses, email address(es), phone numbers, birthdate, marital status, number of children and their ages, social network and 'handle' data, preference information, or survey answers/opinions, in connection with various marketing and promotional activities, surveys or contests conducted on the Website or in email communications with NYY Steak; and (b) you register to use certain features and services on our website such as the following:

- **Email communications:** When you sign up for our email list and subscribe to receive marketing and other communications, you are asked to provide your email address, first and last name, birth date, and anniversary. Such information is collected on our behalf by Fishbowl.
- **Online Reservations:** You will have the ability to make reservations online at one of our restaurant location. The operator of the restaurant location at which you made a reservation will receive your name, phone number and date and time of reservation. This service is provided by OpenTable through their online reservation service.
- **Event Reservations:** You may be offered the ability to book and pay for events through an online line service called Triple Seat. You may be asked for your name,

address, company name, and credit or debit card information. Any form that is provided to reserve that information should only be faxed to the number indicated on the form and must not be emailed or provided in any other way.

- **Gift Card Sales:** We provide a form online to purchase gift cards from our restaurant locations. This form requires that you provide your name, address and credit or debit card information that is used to process your gift card purchase. It should only be faxed to the number indicated on the form and must not be emailed or provided in any other way.
- **Loyalty Program:** NYY Steak may offer users the opportunity to sign up for a loyalty program offered through a third-party provider called Thanx. To register for the program, you will need to provide your first and last name and email address. We will also collect transaction information in connection with purchases that you make at our restaurant locations in connection with the loyalty program.
- **Wi-Fi Access:** If you try to sign-in using Wi-Fi at this restaurant, you will be asked for your first name, last name, email, cell phone and a checkbox permission to sign up for the yankees.com newsletter.

When we collect this type of information, we will notify you as to why we are asking for information and how this information will be used either in this Policy or separately at the point at which the information is collected if not described in this Policy.

RIGHT NOT TO PROVIDE INFORMATION

In certain jurisdictions, you may have the right not to provide Personal Information. However, if you elect not to provide such information, you may not be able to utilize certain services on the Website.

COOKIES/ONLINE TRACKING

Some information that we collect about you is collected passively through the use of "cookies." Cookies are small files of information, which save and retrieve information about your visit to the Website - for example, how you entered and navigated our Website, and what information was of interest to you. We use this information to remember you when you return and to customize our Website to your preferences.

There are two types of cookies: session and persistent cookies.

- **Session Cookies.** Session cookies exist only during an online session. They disappear from your computer when you close your browser or turn off your computer. We use session cookies to allow our systems to uniquely identify you during a session or while you are logged into the Site. This allows us to process your online transactions and requests and verify your identity, after you have logged in, as you move through our Site.
- **Persistent Cookies.** Persistent cookies remain on your computer after you have closed your browser or turned off your computer.

Disabling Cookies. Most web browsers automatically accept cookies, but if you prefer, you can edit your browser options to block them in the future. The Help portion of the toolbar on most browsers will tell you how to prevent your computer from accepting new cookies, how to have the browser notify you when you receive a new cookie, or how to disable cookies altogether.

Visitors to our Site who disable cookies will be able to browse certain areas of the Site, but some features may not function.

DO NOT TRACK SIGNALS

Currently, our systems do not recognize browser “do-not-track” requests. You may, however, disable certain tracking as discussed in the Cookies section (e.g., by disabling cookies). Please note that NYY Steak does not collect, and is not aware of third parties that collect, from users of the Website personal information about users’ online activities across third party websites.

CLEAR GIFS, PIXEL TAGS AND OTHER TECHNOLOGIES

Clear GIFs are tiny graphics with a unique identifier, similar in function to cookies. In contrast to cookies, which are stored on your computer’s hard drive, clear GIFs are embedded invisibly on web pages. We may use clear GIFs (a.k.a. web beacons, web bugs or pixel tags), in connection with our Website to, among other things, track the activities of Website visitors, help us manage content, and compile statistics about Website usage. We and our third party service providers also use clear GIFs in HTML e-mails to our customers, to help us track e-mail response rates, identify when our e-mails are viewed, and track whether our e-mails are forwarded.

THIRD PARTY ANALYTICS/TRACKING

We use automated devices and applications, such as Google Analytics, to evaluate usage of our Site. We also may use other analytic means to evaluate our services. We use these tools to help us improve our services, performance and user experiences. These entities may use cookies, tracking pixels and other tracking technologies to perform their services. We do not share your personal information with these third parties.

ACCESS AND CORRECTION

When required in your jurisdiction, NYY Steak will permit individuals to access, correct, amend or delete Personal Information that is demonstrated to be inaccurate or incomplete. If you request access, correction, amendment or deletion of your Personal Information and you have more than one account with us, you will need to instruct us on each account separately. Reasonable access to Personal Information will generally be provided within thirty (30) calendar days at no cost to you, subject to limited exceptions prescribed by law. To access information collected through Open Table, you must contact Open Table at privacy@opentable.com; to access information collected through Fishbowl, you must contact Fishbowl at privacy_ques@fishbowl.com; to access information collected through Thanx, you must contact Thanx at support@thanx.com.

REGISTRATION INFORMATION

As noted above, in order to use and participate in certain programs or services offered by NYY Steak via the Website, you must first complete a registration form. In order to use or participate in such programs and services, we will need to collect certain Personal Information about you, such as your name, email address and contact details, and, if applicable, credit card payment information. This information is used to communicate with you about specific services, offers, benefits and features on our Website for which you have expressed interest or registered. For some Website services, you may be asked to provide a password and user identification. This information is collected to confirm eligibility for use of the online services and to establish the

identity of the authorized user. You are responsible for maintaining the confidentiality of that password and user identification.

SURVEYS & CONTESTS

From time-to-time our Website may request information from you via surveys or contests. Participation in these surveys or contests is completely voluntary. Requested data may include your contact data, data of birth, marital status, number of children and their ages, and your opinion/answers. Contact information will be used to administer your participation in a contest, notify the winners and award prizes. Survey information will be used for purposes of monitoring or improving the use and satisfaction of the Website and our other products and services.

HOW WE SHARE YOUR INFORMATION AND WHO WE SHARE IT WITH

During the course of business, we may disclose, transfer or otherwise make available Personal Information to our affiliates and third-party service providers who have been legally contracted to provide services on our behalf, and are prohibited from using it for any other purpose.

Your Personal Information may be maintained and processed by our affiliates and other third party service providers in the US or other jurisdictions. Third-party vendors that may receive personal data include payment card processors and financial institutions for transactions and financial management; gift card processors; rewards program provider; online reservation service provider; prize fulfillment companies and travel agencies; survey research firms; and website analytics firms. In addition, all local, state, federal and foreign countries as mandated by their reporting requirements; and governmental authorities to comply with legal, regulatory or administrative requirements, or to an investigative body in the case of a breach of an agreement or contravention of law, or as otherwise required by US or other law. We may also disclose your Personal Information where necessary for the establishment, exercise or defense of legal claims, to investigate or prevent actual or suspected loss or harm to persons or property, or as otherwise permitted by law.

We may transfer your Personal Information as an asset in connection with the sale or transfer of all or part of the business (including transfers made as part of insolvency or bankruptcy proceedings) or as part of a corporate reorganization or other change in corporate control.

CHOICE/OPT-IN

Our users are given the opportunity to 'opt-out' to having their Personal Information used for purposes not directly related to the purposes for which it has been collected. Some jurisdictions may require 'opt-in' only.

NYE STEAK – 3RD PARTY DISCLOSURE POLICY

We may, under limited circumstances, send you offers for related products or services from affiliated NYY Steak companies or jointly offered by NYY Steak together with select third parties. These offers are sent only to those users who have indicated their acceptance to receiving marketing materials from NYY Steak.

CONSENT TO SHARING OF PERSONAL INFORMATION

NYY Steak is based in and stores the personal information collected through the Website on servers in the United States. The United States may not provide the same level of privacy protection as your local jurisdiction. By using and purchasing services and submitting Personal Information through the Website, you consent to the transfer of your Personal Information to the United States. Without such consent, NYY Steak is not able to provide you with access to its online services and other programs made available on the Website.

EU/US Privacy Shield Compliance

NYY Steak complies with the EU/US Privacy Shield framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from European Union member and treaty countries. We have certified that we adhere to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access, and Recourse, Enforcement and Liability.

If there is any conflict between the policies in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program and to view our certification page, please visit <https://www.privacyshield.gov/>.

In compliance with the EU/US Privacy Shield Principles, NYY Steak commits to resolve complaints about your privacy and our collection or use of your personal information. European Union citizens with inquiries or complaints regarding this privacy policy should first contact customer_care@hardrock.com

NYY Steak LLC
Attn: Tom Gispanski
Customer Care – Privacy Shield
c/o Hard Rock Cafe International (USA), Inc.
6100 Old Park Lane
Orlando, Florida 32835

Please include your name, address and phone number or e-mail in all communications and state clearly the nature of your request or concern.

NYY Steak has provided a private sector independent recourse mechanism (located in the United States) to investigate and expeditiously resolve individual complaints and disputes. This dispute mechanism will cover all personal data except for human resource data. For more information, visit the website for ICDR®/AAA® EU-U.S. Privacy Shield: International Centre for Dispute Resolution®, the international division of the American Arbitration Association® (ICDR/AAA) at <https://info.adr.org/safeharbor/>. Under certain limited conditions and as a last resort, the individual can invoke binding arbitration. The Federal Trade Commission has jurisdiction over NYY Steak's compliance with the Privacy Shield.

If NYY Steak transfers your personal data to a third party, we will ensure the third party is contractually obligated to process your data only for limited, specific purposes consistent with this policy, to apply the same level of protection to that data as the EU-U.S. Privacy Shield Principles, and notify us if it makes a determination that it can no longer meet this obligation.

Upon notice, NYY Steak will take reasonable and appropriate steps to stop and remediate unauthorized processing. In cases of onward transfer to third parties of data received pursuant to the EU-US Privacy Shield, NYY Steak is potentially liable.

PUBLIC FORUMS

The Website may make chat rooms, forums, message boards, and/or news groups available to its users. Please remember that any information you disclose in a public forum will be available to other visitors to our Website. To the extent you disclose your Personal Information in public forums, the use of the information by third-parties will not be subject to this Policy.

PROTECTING CHILDREN

NYY Steak is mindful of the privacy of children. For that reason, we never collect or maintain information at our Website from those we actually know are under 13. Our Website is a general audience site.

HOW TO ACCESS AND UPDATE USER INFORMATION

Users who no longer wish to receive our newsletter or promotional materials may opt-out of receiving these communications by clicking the unsubscribe link at the bottom of the email or contacting customer care.

We aim to keep our information about you as accurate as possible. If you would like to access, update, review or change the details you have supplied us with, please contact us as set out below. In some cases we may need to use Personal Information obtained previously to verify your identity.

HOW WE ENSURE THE SECURITY OF YOUR DATA

We have implemented technical, physical and administrative measures, as well as policies and procedures designed to safeguard your Personal Information from unauthorized access, use, disclosure, modification or destruction and will continue to update these measures as new technology becomes available. Although we take efforts to protect your Personal Information, we cannot guarantee the security of your Personal Information. Any transmission of Personal Information is at your own risk.

HOW TO CONTACT US

You may address all communications to NYY Steak Yankee Stadium Privacy Policy, c/o Hard Rock Cafe International (USA), Inc., 6100 Old Park Lane, Orlando, Florida 32835, or e-mail to customer_care@hardrock.com. Please include your name, address and phone number or e-mail in all communications and state clearly the nature of your request.

CHANGES TO OUR PRIVACY POLICY

This Policy is effective as of September 17th, 2016. If we make any changes to our Policy, we will post the updated Policy to the Website, provided on an updated homepage link, and may post it to other places we deem appropriate. Users who have authorized e-mail communication will be notified via e-mail of any material changes to the Policy. We will use Personal Information in accordance with the Policy under which it was collected.

YOUR CALIFORNIA PRIVACY RIGHTS / NOTICE FOR CALIFORNIA RESIDENTS

California residents who have provided personal information to NYY Steak may obtain information regarding NYY Steak's disclosures, if any, of personal information to third parties for third-party direct marketing purposes. Requests must be submitted to the following address: NYY Steak Yankee Stadium, c/o Hard Rock Cafe International (USA), Inc., 6100 Old Park Lane, Orlando, Florida 32835, Attn.: California Privacy. Within 30 days of receiving such a request, we will provide a California Privacy Disclosure, which will include a list of certain categories of personal information disclosed during the preceding calendar year to third parties for their direct marketing purposes, along with the names and addresses of the third parties. This request may be made no more than once per calendar year. We reserve our right not to respond to requests submitted other than to the address specified in this paragraph.