

# PRIVACY POLICY

This Privacy Policy ("Policy") applies to AYZA Wine & Chocolate Bar, Inc., its affiliates, subsidiaries, divisions or designees ("AYZA Wine & Chocolate Bar" or "we"). This Policy describes how AYZA Wine & Chocolate Bar collects, shares, uses and safeguards customer personal information we collect anywhere. This includes our restaurant locations in the United States (excluding Hawaii and U.S. Territories), our website at [www.ayzanyc.com](http://www.ayzanyc.com), and other websites where we post this Policy (collectively, "Website"), and mobile applications. This Policy will also give you more information about how to manage the personal information that you provide to us. When visiting our Website, this Privacy Policy should be read in conjunction with the Terms of Use located on our Website.

## 1. The Information We Collect.

When you visit our restaurants, Website and mobile applications, we may receive and collect certain information. The information that we may receive and collect depends on what you do when you visit our restaurant, Website and mobile applications.

### • Automatically Collected Information.

Some information is automatically received and sometimes collected from you when you visit our Website. This information may include some or all of the following items: the name of the domain and host from which you access the Internet, including the Internet Protocol (IP) address of the computer you are using and the IP address of your Internet Service Provider; the type and version of Internet browser software you use and your operating system; the date and time you access our Website, the length of your stay and the specific pages, images, video or forms that you access while visiting our Website; the Internet address of the website from which you linked directly to our Website, and if applicable, the search engine that referred you and any search strings or phrases that you entered into the search engine to find our Website; and demographic information concerning the country of origin of your computer and the language(s) used by it.

We use this information to monitor the usage of our Website, assess its performance, ensure technological compatibility with your computer, and understand the relative importance of the information provided on our Website. We may also use this data to conduct statistical analyses on visitors' usage patterns and other aggregated data.

### • Information Collected via Cookies.

"Cookies" are small files or records that are placed on your computer's hard drive to distinguish you from other visitors to our Website. The use of cookies is a standard practice among websites to collect or track information about your activities while using our Website. A cookie may enable the website owner to track how a visitor navigates through its website and the areas in which they show interest. This is similar to a traffic report: it tracks trends and behaviors, but does not personally identify individuals. Information gathered may include date and time of visits, pages viewed, time spent at the site, and the website visited just before and just after a visit to our Website.

Cookies can be set to expire: (1) on a specified date; (2) after a specific period of time; (3) when a transaction has been completed; or (4) when a user turns off his/her Internet browser. A cookie that is erased from memory when a visitor's Internet browser closes is called a "session" cookie. Cookies that expire based on a time set by the Web server are called "persistent" cookies.

Our Website may use both "session cookies" and "permanent cookies." Most people do not know that cookies are being placed on their computers when they visit our Website or most websites because browsers are typically set to accept cookies. You can choose to have your browser warn you every time a cookie is being sent to you or you can turn off cookie placements. If you refuse cookies, there may be parts of our Website that may not function properly.

## Information Collected Using Pixel Tags or Clear GIFs.

Pixel Tags or Clear GIFs, also known as Web Beacons or Web Bugs, are transparent graphical images placed on a website. We use these items on our Website.

### • Information You May Actively Submit Through Our Websites.

For most of the browsing on our Website, we neither require nor collect "User Information." User Information is information that could personally identify you, for example, your name, address, phone number, e-mail address, and credit card information. You can browse our Website and take as much time as you want to review our services without having to submit such User Information. In the following instances, however, we do need you to actively submit User Information when: (1) you want to contact us via electronic means or website submission; (2) you purchase a gift card; (3) you utilize online ordering; (4) you utilize online reservations; (5) you enter a contest or sweepstakes or participate in a promotion; or (6) you join our customer loyalty programs and/or email lists. E-mail or other forms of electronic communication, including website submission, are not secure and/or confidential means of communication.

### • Information You May Actively Submit In Our Restaurants.

When visiting our restaurants, we only collect "Customer Information" in limited situations. "Customer Information" is information that could personally identify you, for example, your name, address, phone number, and e-mail address. We may collect Customer Information when: (1) you want to fill out customer comment cards; (2) you enter a contest or sweepstakes or participate in a promotion; or (3) you join our customer loyalty programs and/or email lists.

## 2. Security.

AYZA Wine & Chocolate Bar takes reasonable steps to help protect personal information that we have or control against loss or theft, as well as unauthorized access, disclosure, copying, use or modification. Although no data transmission over the Internet can be guaranteed 100% secure, and we cannot ensure against any loss or theft, unauthorized access, alteration, or destruction of data, we take reasonable precautions to prevent such unfortunate occurrences.

## 3. Personal Information About Children.

Our Website is targeted primarily for use by adults. We do not currently market to or create special areas for use by children. Accordingly, we do not knowingly collect age identifying information, nor do we knowingly collect any personal information from children under the age of 13 years. However, we hereby advise all visitors to our Website under the age of 13 not to disclose or provide any personally identifiable information on our Website. In the event that we discover that a child under the age of 13 has provided personally identifiable information to us, in accordance with the Children's Online Privacy Protection Act (please see the Federal Trade Commission's website at [www.ftc.gov/kidzprivacy](http://www.ftc.gov/kidzprivacy) for more information about this Act), we will delete the child's personally identifiable information from our files to the extent technologically possible.

**4. E-Mail Communications.** When you send an email to us, or provide your email address to us, you are communicating with us electronically and consent to receive communication from us electronically. We may retain the content of the email, your email address, and our response in order to service your needs. We may use the data that you provide to send you email or correspondence via other means.

**5. How We Use and Share User Information and Customer Information.** Our view on using User Information and Customer Information is simple. We do not rent or sell your User Information and Customer Information (collectively, "Information"). We may use your Information that you actively submit to better assist you when you visit or call us again and to send you special offers for our restaurant services that may be of interest to you. We do this by general marketing communications for our services, including by regular mail, e-mail and text messages (collectively, "Marketing Communications"). Unless you "opt-out" through opportunities available to you through our Marketing Communications, we may send you Marketing Communications. You may also "opt-out" of future Marketing Communications by following the instructions provided in Section 7 (Access to and Managing Your User Information) of this Policy. Except where we otherwise obtain your express permission, we share your Information with third parties only under the limited circumstances stated below:

a. Information may be subject to disclosure for legal reasons, such as in response to a valid court order, subpoena, government investigation or request, or as otherwise required by law.

b. Information may be disclosed to protect our rights or property, protect our legitimate business interests, to enforce the provisions of this Policy and Terms of Use, and/or to prevent harm to

you or others.

c. Information may be disclosed to carefully selected third-party service providers in order to provide services to you, such as to fulfill gift card orders (U.S. Postal Service, Canada Post, or other delivery companies we or you select); provide customer service; send, email or text Marketing Communications; maintain our customer loyalty program and database and other programs; monitor the activity of our Website; conduct surveys; and administer contests or sweepstakes. We will share your Information with our carefully selected third-party services providers on a confidential basis. These service providers are prohibited from using your Information for any purpose other than providing our services.

d. Information may be disclosed to process credit card transactions. In this case these transactions are handled by established third party banking, processing agents and distribution institutions. They receive the information needed to verify and authorize your credit card or other payment information and to process your order. In addition, we may disclose Information to third parties to verify the authenticity of any financial transaction involving our company or its subsidiaries.

e. Information may be disclosed and transferred if our company or its business is sold or offered for sale to another company or person(s), if a petition for relief under the United States Bankruptcy Laws is filed by or against us, or if we become subject to an order of appointment of a trustee or receiver.

#### **6. Linking to Third-Party Websites.**

When you click on links on our Website that take you to third-party websites, you will be subject to the third parties' privacy policies. While we support the protection of privacy on the Internet, we cannot be responsible for the actions of any third-party websites. We encourage you to read the posted privacy statement of any and every website you visit, whether you are linking from our Website or browsing on your own.

#### **7. Access to and Managing Your Information.**

We believe it is important for you to be able to find out what Information you have provided to us through our restaurants, Website and mobile applications, update your Information, and "opt out" of receiving future Marketing Communications. To inquire about your Information, update your Information, or "opt out" of receiving future Marketing Communications, please contact us as described in Section 11 (Questions or Comments) below. Please be sure to include your full name, address, phone number and e-mail address and indicate the specific nature of your request. If you want to "opt in" or "opt out" of receiving Marketing Communications, specify what type of Marketing Communication (e.g., e-mail or direct mail) you wish to receive or stop receiving. This will ensure we identify you correctly in our systems and accurately process your request. If you send an e-mail or letter request, we will take appropriate steps to implement your request.

Also, please note that even though you may have "opted out" of receiving Marketing Communications, you may still receive business-related communications. Business communications include order confirmations or other administrative information. Please be aware that "opting-out" of certain third party use may prevent us from providing certain services that you request.

#### **8. What You Need to Do to Protect Your Information.**

You have several options when deciding how you can best protect your Information. One option is simply not to volunteer it. As stated above, this approach would allow you to still visit our restaurants, Website and mobile applications – although it will prevent you, for example, from ordering gift cards on-line, providing us with your comments or questions relating to our restaurants, or utilizing online ordering and reservations. The Federal Trade Commission's website, [www.ftc.gov](http://www.ftc.gov), also offers useful information about how to protect personally identifiable information provided to a website.

#### **9. What to Do About Suspected Violations of This Privacy Statement.**

If at any time you believe we have not adhered to the policies and principles set forth in this Policy, please notify us using the contact information in Section 11 (Questions or Comments) below. We will make all commercially reasonable efforts to promptly respond to your concerns.

#### **10. Changes to Privacy Policies.**

Our Policy is subject to change from time to time, so we suggest that you review the current Policy at the start of each visit to our Website. Unless we clearly express otherwise, we will use Information in accordance with this Policy under which the Information was collected. **YOU ARE HEREBY ADVISED THAT YOUR CONTINUED USE OF OUR WEBSITE CONSTITUTES YOUR ACCEPTANCE OF ANY AMENDMENTS TO AND THE MOST RECENT VERSION OF THIS POLICY.**

#### **11. Questions or Comments.**

If you have any questions or comments concerning our Privacy Policy, please contact us:

**AYZA Wine & Chocolate Bar, Inc.** 11 West 31st Street (Bet. 5th Ave. & Broadway) New York, NY 10001 Phone: (212) 714-2992