



## Privacy Notice for California Residents

**Effective Date:** January 1, 2020

**Last Reviewed on:** January 1, 2020

This **Privacy Notice for California Residents** supplements the information contained in Qdoba Restaurant Corporation's ("Qdoba", "we" or "our") [Privacy Policy](#) and applies solely to all visitors, users, and others who reside in the State of California ("consumers" or "you"). We adopt this notice to comply with the California Consumer Privacy Act of 2018, as amended, ("CCPA") and any terms defined in the CCPA have the same meaning when used in this notice.

### Information We Collect

We collect information that identifies, relates to, describes, references, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device ("personal information"). In particular, our website, www.qdoba.com (the "Website") and the Qdoba Rewards mobile application (the "App," and together with the Website, our "Services") have collected the following categories of personal information from its consumers within the last twelve (12) months:

Category	Examples	Collected
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information.  Some personal information included in this category may overlap with other categories.	YES

C. Protected classification characteristics under California or federal law.	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).	YES
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	NO
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	NO
I. Professional or employment-related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	NO
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Personal information does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Information excluded from the CCPA’s scope, 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; or
  - personal information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FRCA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA), and the Driver’s Privacy Protection Act of 1994.

Qdoba obtains the categories of personal information listed above from the following categories of sources:

- Directly from you. For example, on this Website or App, we collect personal information when making online or catering orders through our Services.
- Indirectly from you. For example, from observing your actions on our Website or App.
- In email, text, and other electronic messages using our Services.
- Through your participation in the Qdoba Rewards program or when you interact with other of our advertising applications on third-party websites, mobile applications and/or services, if those applications or advertising include links to this policy.
- When you respond to survey that we, or our third party service providers, perform.
- When you participate in a promotional sweepstakes or other contest that we, or our third party service providers, conduct.
- From our affiliates and subsidiaries (but not our franchisees).

### **Use of Personal Information**

We may use or disclose the personal information we collect for one or more of the following purposes:

- To present our Services and their contents to you.
- To fulfill or meet the reason you provided the information products, or services that you request from us. For example, if you share your name and contact information to request a price quote or 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. We may also save your information to facilitate new product orders or process returns.
- 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 provide, support, and develop our Website, App, products, and services.
- To personalize your Website experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our Website, third-party sites, and via email or text message (with your consent, where required by law).
- To create, maintain, customize, and secure your account with us.
- To provide you with notices about your Rewards, and/or Catering accounts, including expiration notices.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To allow you to participate in interactive features on our Services such as checking Q-Cash card balance, managing Rewards program and submitting online orders.
- To recognize you when you return to our Services.
- To help maintain the safety, security, and integrity of our Website, products and services, databases and other technology assets, and business.
- To monitor, assess, manage, diagnose problems with, improve and otherwise administer our Services.
- To speed up your searches.
- For testing, research, analysis, and product development, including to develop and improve our Website, products, and services.
- To market or advertise our products, services, promotions, contests and other activities;
- To contact you about our own and third-parties goods and services that may be of interest to you.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
- Estimate our audience size and usage patterns.
- Store information about your preferences, allowing us to customize our Services according to your individual interests.
- To notify you about changes to our Services or any products or services we offer or provide though it.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- For any other purpose with your consent or as described to you when collecting your personal information or as otherwise set forth in the CCPA in any other way we may describe when you provide the information.

- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Qdoba's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by Qdoba about our Services users is among the assets transferred.

Qdoba 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 notice.

### **Sharing Personal Information**

Qdoba may disclose your personal information to a third party for a business purpose. 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. The CCPA prohibits third parties who purchase the personal information we hold from reselling it unless you have received explicit notice and an opportunity to opt-out of further sales.

We share your personal information with the following categories of third parties:

- To our subsidiaries and affiliates.
- To contractors, service providers, and other third parties we use to support our business and who are bound by obligations to keep personal information confidential and use it only for the purposes for which we disclose it to them (all of which are described herein).
- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Qdoba's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by Qdoba about our Services' users is among the assets transferred.
- To third parties, such as our media partners, merchandise providers, online ordering partners, customer relationship provider, website management provider, loyalty program providers, digital marketing providers, and survey distributors, to provide you with customized content, targeted offers, and advertising via email or push notification, or across our website, other websites, mobile applications, social media or online services.
- To market their products or services to you, if you have not opted out of these disclosures, including, but not limited to, through third parties such as Google or Facebook.

### ***Disclosures of Personal Information for a Business Purpose***

In the preceding twelve (12) months, Qdoba has disclosed the following categories of personal information for a business purpose:

Category A: Identifiers.

Category B: California Customer Records personal information categories.

Category C: Protected classification characteristics under California or federal law.

Category D: Commercial information.

Category F: Internet or other similar network activity.

Category G: Geolocation data.

Category I: Professional or employment-related information.

Category K: Inferences drawn from other personal information.

We disclose your personal information for a business purpose to the following categories of third parties:

- Service providers;
- Media partners;
- Merchandise providers;
- Online ordering partners;
- Customer relationship provider;
- Website management provider;
- Loyalty program providers;
- Digital marketing providers; and
- Survey distributors.

### **Your Rights and Choices**

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

#### ***Access to Specific Information and Data Portability Rights***

You have the right to request that Qdoba disclose the categories and specific pieces of information we have collected and certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request (see [Exercising Access, Data Portability, and Deletion](#)), we will disclose to you:

- The categories of personal information we collected about you.
- The categories of sources for the personal information we collected about you.
- Our business or commercial purpose for collecting or selling that personal information.
- The categories of third parties with whom we share that personal information.
- The specific pieces of personal information we collected about you (also called a data portability request).
- If we sold or disclosed your personal information for a business purpose, two separate lists disclosing:
  - sales, identifying the personal information categories that each category of recipient purchased; and

- disclosures for a business purpose, identifying the personal information categories that each category of recipient obtained.

### ***Deletion Request Rights***

You have the right to request that Qdoba delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see [Exercising Access, Data Portability, and Deletion](#)), we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

1. Complete the transaction for which we collected the personal information, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *et. seq.*).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

### ***Exercising Access, Data Portability, and Deletion Rights***

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us:

- Calling us at 866-500-0094
- By email to: [PrivacyRequest@QDOBA.com](mailto:PrivacyRequest@QDOBA.com)
- By mail at: QDOBA RESTAURANT CORPORATION  
Attention: Privacy Request

350 Camino de la Reina  
San Diego, CA 9210823

Only you, or 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.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. 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.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to 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.

We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

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

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to 45 days), we will inform you of the reason and extension period in writing.

If you have an account with us, we will deliver our written response to that account. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance, specifically via email from PrivacyRequest@QDOBA.com.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

### **Non-Discrimination**

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.



However, we may offer you certain financial incentives permitted by the CCPA that **can result** in different prices, rates, or quality levels. Any CCPA-permitted financial incentive we offer will reasonably relate to the value to us of your personal information and contain written terms that describe the program’s material aspects. Participation in a financial incentive program requires your prior opt in consent, which you may revoke at any time. We currently provide financial incentive, such as points redeemable for free or discounted products, to Qdoba Rewards members.

### **Other California Privacy Rights**

California’s “Shine the Light” law (Civil Code Section § 1798.83) permits users of our Website that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. You may make one request per calendar year. In your request, please attest to the fact that you are a California resident and provide a current California address for your response. You may request this information in writing by contacting us at Guest.Relations@qdoba.com or write us at:

QDOBA RESTAURANT CORPORATION  
350 Camino de la Reina  
San Diego, CA 9210823

Please allow up to thirty (30) days for a response.

### **Changes to Our Privacy Notice**

Qdoba reserves the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on the Website and update the notice’s effective date. **Your continued use of our Website following the posting of changes constitutes your acceptance of such changes.**

### **Contact Information**

If you have any questions or comments about this notice, the ways in which Qdoba collects and uses your information described below and in our [Privacy Policy](#), your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

**Tool-Free Phone:** 866-500-0094

**Email:** PrivacyRequest@QDOBA.com

**Postal Address:** QDOBA RESTAURANT CORPORATION  
Attn: Privacy Request  
350 Camino de la Reina  
San Diego, CA 9210823