

THE WINESELLAR & BRASSERIE TEXT MESSAGE PRIVACY NOTICE

Effective Date: November, 1, 2025

This Text Message Privacy Notice describes the information The WineSellar & Brasserie (collectively “**Company**”, “**we**”, “**our**”, or “**us**”) collects, how we use and retain this information, with whom we share it, and the choices you have in connection with our text messaging program (the “**Platform**”) as defined below in the United States. All information posted in the is intended for the U.S. market only.

1. SCOPE

When does this Privacy Notice apply?

This Privacy Policy applies to The WineSellar & Brasserie’s collection personal information from you or about individuals using the Platform as well as when you provide personal information to us. The Platform includes any online forms associated with our text messaging program, when you subscribe to or interact with our text messaging program or click on hyperlinks in text messages provided through our text messaging program.

When does this Privacy Notice not apply?

This Privacy Policy does not apply to any other processing of your personal information by The WineSellar & Brasserie. This Privacy Policy does not apply to websites or other domains that are maintained or operated by third parties or our affiliates. Our Platform may link to third-party websites and services, but these links are not endorsements of these sites, and this Policy does not extend to them. Because this Policy is not enforced on these third-party websites, we encourage you to read any posted privacy policy of the third-party website before using the service or site and providing any information.

2. PERSONAL INFORMATION WE COLLECT, HOW WE USE IT, HOW LONG WE KEEP IT, AND HOW WE SHARE IT

When you interact with our Platform, we collect your personal information. “Personal information” is information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular individual or household. We use the following criteria to determine whether it remains reasonably necessary to retain your personal information for one or more disclosed operational purpose, or a service provider or contractor’s operational purpose(s): (i) whether there is a retention period required by statute or regulations; (ii) the existence of actual or threatened litigation for which we are required to preserve the information; (iii) the statutes of limitations for potential legal claims; and (iv) generally accepted best practices in our industry, including related to safety and security of our properties and assets. When we determine that it is no longer reasonably necessary to retain your personal information for one or more disclosed operational purposes based on the above criteria, we will delete your Personal Information.

A. Information you provide to us.

When you use the Platform, we collect Personal information from you when you:

- **Register for the Platform.** When you register for the Platform, we collect your identifiers (name, telephone number, email address, mailing address), sensitive personal information (real-time location, age/birthday), payment card information (such as card number, expiration date, security code and ZIP code)). We will use this information to set up your account, payment for your account

(if applicable), and communicate with relative to the Platform. You will also be added to our email marketing list (see “Subscribe to our Emails” below).

- **Use the Platform.** When you use the Platform, we collect your identifiers (first and last name, email address; telephone number), auditory and visual information (your appearance and the sound of your voice via live and pre-recorded video) and sensitive information (real-time location), comments or messages provided in free text boxes, and any other information you send through the Platform. We will only use this information to facilitate your use of the Platform.
- **Request Information from us.** When you request information from us, we will collect your identifiers (name, email address, telephone number), and the details of your request. We will only use this information to respond to your request.
- **Subscribe to our Emails.** When you are added to our email marketing list, if we have not collected your identifiers already, we collect your personal identifiers (email address), and contact preference. We use this personal information to send you email alerts with our company newsletter, and to communicate with you via email about our products and services. [We will share your identifiers with our email marketing provider to send you the marketing emails.] You can unsubscribe to marketing emails at any time by clicking on the “unsubscribe” link in each email. Please note that we will continue to send you notifications necessary to the services or requested products or services.
- **Use the website chat functionality.** When you use the website chat functionality, we will collect your name and any personal information you disclose in the chat. We will use this information to provide customer service and respond to your inquiries. [We will share this information with our website chat provider to facilitate the use of the webchat functionality.]
- **Subscribe to texts or interact with hyperlinks in text messages.** When you subscribe to our text messages or interact with hyperlinks in our text messages we collect your device ID, IP address, [list any other information collected]. We use this personal information to fulfill your request to receive text messages and to communicate with you via text about [content.]

NOTE: When providing your personal information, please provide only relevant information and do not provide unnecessary sensitive information, such as Social Security numbers or other sensitive personal data. Additionally, we may ask you to create a username and password that should only be known to you.

B. Information collected automatically through the Platform.

In addition to the personal information you provide directly to us, we also collect information automatically as you use our Platform. We use essential, functional, [analytics, and advertising] cookies to collect your internet or other electronic network activity information (device, usage, location information (determined through your IP address), such as your browsing history, configuration, unique online identifiers, and interactions with our ads on third-party websites), when you interact with the Platform. We use this information to: (i) track you within the Platform; (ii) enhance user experience; (iii) conduct analytics to improve the Platform; (iv) prevent fraudulent use of the Platform; (v) diagnose and repair Platform errors, and, in cases of abuse, track and mitigate the abuse; [and (vi) market to you more effectively across different web pages and social media platforms].

Of course, if you do not wish to have cookies on your devices, you may turn them off at any time by modifying your internet browser’s settings. However, by disabling cookies on your device, you may be

prohibited from full use of the Platform's features or lose access to some functionality. Also, disabling cookies will not stop certain other collection technologies (like HTML5 – see below).

- Google Analytics. The Platform sends aggregated, non-Personal Information to Google Analytics for the purpose of providing us with the ability to conduct technical and statistical analysis on the Platform's performance. For more information on how Google Analytics supports the Platform and uses information sent from the Platform, please review Google's privacy policy available at <https://policies.google.com/technologies/partner-sites>.
- Web Beacons. A Web Beacon is an electronic image. Web Beacons can track certain things from your computer and can report activity back to a web server allowing us to understand some of your behavior. If you choose to receive emails from us, we may use Web Beacons to track your reaction to our emails. We may also use them to track if you click on the links and at what time and date you do so. Some of the third-party marketers we engage with may use Web Beacons to track your interaction with online advertising banners on our Platform. This information is only collected in aggregate form and will not be linked to your Personal Information. Please note that any image file on a webpage can act as a Web Beacon.
- Embedded Web Links. Links provided in our emails and, in some cases, on third-party websites may include tracking technology embedded in the link. The tracking is accomplished through a redirection system. The redirection system allows us to understand how the link is being used by email recipients. Some of these links will enable us to identify that you have personally clicked on the link and this may be attached to the Personal Information that we hold about you. This data is used to improve our service to you and to help us understand the performance of our marketing campaigns.
- HTML5 and Local Storage. We and our third party providers may use HTML5 to store information locally on your computer or device about your Platform usage activities. This information can be written and retrieved by us and our providers to determine how our Platform is being used, to enable use of the Platform, to assess how our Platform may be improved, and to customize the Platform for you. Some internet browsers allow you to disable HTML5 local storage or delete information contained in HTML5 local storage using browser controls, but you may not be able to control, delete or disable such local storage depending upon your browser.

Third-party Websites and Services. We work with a number of service providers of marketing communications technology. These service providers may use various data collection methods to improve the performance of the marketing campaigns we are contracting them to provide. The information collected can be gathered on our Platform and also on the websites where our marketing communications are appearing. For example, we may collect data where our banner advertisements are displayed on third-party websites@.

3. HOW WE SHARE YOUR PERSONAL INFORMATION

Under no circumstances will The WineSellar & Brasserie sell or share your mobile phone number or other personal information with third-parties or affiliates for marketing or promotional purposes.

A. General Sharing. The WineSellar & Brasserie shares personal information in the following instances:

- **Within The WineSellar & Brasserie.** We share your personal information within The WineSellar & Brasserie for the legitimate business purposes of efficiently and effectively providing the Platform, such as customer service support.
- **With service providers.** We share personal information with service providers that assist us in providing the Platform. These service providers are described more specifically in the **PERSONAL INFORMATION WE COLLECT, HOW WE USE IT, HOW LONG WE KEEP IT, AND HOW WE SHARE IT** section of this Privacy Notice.
- **In the event of a corporate reorganization.** In the event that we enter into, or intend to enter into, a transaction that alters the structure of our business, such as a reorganization, merger, acquisition, sale, joint venture, assignment, consolidation, transfer, change of control, or other disposition of all or any portion of our business, assets or stock, we would share personal information with third parties, including the buyer or target (and their agents and advisors) for the purpose of facilitating and completing the transaction. We will also share personal information with third parties if we undergo bankruptcy or liquidation, in the course of such proceedings.
- **For legal purposes.** We will share your personal information where we are legally required to do so, such as in response to court orders, law enforcement or legal process, including for national security purposes; to establish, protect, or exercise our legal rights, as required to enforce our terms of service or other contracts; to defend against legal claims or demands; to detect, investigate, prevent, or take action against illegal activities, fraud, or situations involving potential threats to the rights, property, or personal safety of any person; or to comply with the requirements of any applicable law.
- **With your consent.** Apart from the reasons identified above, we may request your permission to share your personal information for a specific purpose. We will notify you and request consent before you provide the personal information or before the personal information you have already provided is shared for such purpose. You may revoke your consent at any time.

Apart from these forgoing purposes, for other use cases, text messaging originator opt-in data and consent will not be shared with any third parties.

4. GENERAL INFORMATION CHOICES

You have the following choices with respect to your personal information.

- **Text Messages and Calls.** You can opt-out of receiving text messages or calls to your phone number at any time by (i) for text messages, texting “STOP” in response to any text message you receive from us or contacting us as set out in the “Contact Us” section below and specifying you want to opt-out of text messages; and (ii) for calls, requesting opt-out during any call you receive from us or contacting us as set out in the “Contact Us” section below and specifying you want to opt-out of calls. For more information, please see the SMS **Terms and Conditions**.
- **Opt Out of Marketing Communications.** All users may opt-out of receiving marketing emails and newsletters at any time by changing their preferences winesellar@winesellar.com or by using the opt-out link located at the bottom of our emails. Please note that we will continue to send you notifications necessary to the Platform, your account, purchases, or any assistance you request.

5. California Consumer Rights

<https://oag.ca.gov/privacy/ccpa>

6. DO NOT TRACK

Your browser settings may allow you to automatically transmit a “Do Not Track” signal to online services you visit. Note, however, there is no industry consensus as to what site and app operators should do with regard to these signals. Accordingly, unless and until the law is interpreted to require us to do so, we do not monitor or take action with respect to “Do Not Track” signals. For more information on “Do Not Track,” visit <http://www.allaboutdnt.com>. [TBD on this – is that the case?]

7. SECURITY OF YOUR PERSONAL INFORMATION

We implement and maintain reasonable security measures to protect the personal information we collect and maintain from unauthorized access, destruction, use, modification, or disclosure. These security measures include secure server software and firewalls designed to protect your personal information from unauthorized access, disclosure, alteration, or destruction. However, no security measure or modality of data transmission over the Internet is 100% secure and we are unable to guarantee the absolute security of the personal information we have collected from you.

8. AGE RESTRICTION

The Platform is not intended for individuals under the age of eighteen (18) years old, and we do not knowingly collection personal information of persons under the age of eighteen (18) years old. If we learn that we have collected or received personal information from a child under the age of eighteen (18) years old, we will delete that information. If you believe we might have information from or about a child under the age of eighteen (18) years old, please contact us at winesellar@winesellar.com.

9. CHANGES TO THIS PRIVACY NOTICE

We may amend this Privacy Notice in our sole discretion at any time. If we do, we will post the changes to this page, and will indicate the date the changes go into effect. We encourage you to review our Privacy Notice to stay informed. If we make changes that materially affect your privacy rights, we will notify you by prominent posting on the Website and/or via email, and request your consent, if required.

10. US MARKET ONLY

All information posted in the Platform is only intended for the U.S. market. If you are accessing the Platform from outside of the U.S., please be aware that information collected through the Platform may be transferred to, processed, stored, and used in the U.S. and other jurisdictions. Data protection laws in the U.S. and other jurisdictions may be different from those of your country of residence.

11. CONTACT US

If you have any questions regarding this Privacy Notice, please contact us at 858-450-9557 or winesellar@winesellar.com and we'll be happy to help in any way we can.

Updated: November 1, 2025