

Privacy Policy

Barstool Sports, Inc. (“Barstool” or “we”, “our” or “us”) operates the Barstool Sports platform, which includes the Barstool Sports website, the Barstool Store, our subscription service Barstool Gold, our affiliated websites, newsletters, mobile apps, and OTT apps such as One Bite, Barstool Bets and Old Row, and all related social media pages (the foregoing, and all content, features, and materials thereon, shall hereinafter be collectively referred to as the “Platform”).

We believe that the privacy and security of your information and data (“Information”) is very important. This Privacy Policy (“Policy”) explains the type of Information we collect from users of the Platform, how that Information is used, how the Information may be shared with other parties, and what controls our users have regarding their Information. We encourage you to read this Policy carefully.

Any updates or modifications to this Policy will be posted to our website on this page. By using or accessing the Platform, you signify that you have read, understand and agree to be bound by this Policy. This Policy is effective as of May 24, 2017 and was last modified on December 31, 2019.

For information on third-party interest-based advertising conducted through our Services, please see the [“Targeted Advertising”](#) section below.

Our Platform is operated out of the United States but can be accessed worldwide. Residents of the European Economic Area (“EEA”), which includes the member states of the European Union, should consult the sections of this policy relating to the “Rights of EEA Residents” (under the “Your Rights” section below) and “International Data Transfers” for provisions that may apply to them.

INFORMATION WE COLLECT AND HOW WE USE IT

Types of Information

We may collect the following types of Information through our Platform:

- (1) “Personal Data” such as your name, e-mail address, physical address, phone number, credit card number, specific (e.g., street level) geolocation data and other information that can be used to directly identify you (which, in some cases, may include certain Device Information such as device identifiers);
- (2) “Device Information” which is information relating to the computer or device you are using when you access our Platform, such as your computer’s IP address, your mobile device identifiers (including Apple IDFA or an Android Advertising ID), the type of browser and operating system you are using, the identity of your internet service provider, and your device and browser settings.

(3) “Usage Data” which is data related to your use of the Platform such as the pages you visit, the sites you use before or after visiting ours, your actions within the Platform, the type of content or advertisements you have accessed, seen, forwarded and/or clicked on, WiFi connections, general geolocation information, date and time stamps, log files, and diagnostic, crash, website, and performance logs and reports.

As described in more detail below, we collect Personal Data only when you provide it to us but may collect other types of Information whenever you use our Platform through automated means such as software developer kits, cookies and web beacons (which are discussed in more detail below).

Personal Data

You may enter most of our websites and apps and browse their content without submitting any Personal Data. However, there are certain offerings within our Platform which will require you to give us Personal Data so that we can provide you with certain services, including if you choose to:

- Establish an account
- Purchase products
- Purchase a subscription to Barstool Gold or other content behind a paywall
- Order food through one of our Apps
- Contact us or otherwise communicate with us in any way
- Subscribe or opt in to our newsletter, alerts, or other communications
- Submit content
- Participate in a contest or promotion and/or redeem any prize you may win

We use the Personal Data that we collect to provide you with the applicable services, features or functionality associated with your submission and also to respond to your requests, communicate with you regarding the Platform, send you promotional e-mails, guard against potential fraud, and comply with laws and regulations (including those related to gaming, if applicable). When you submit Personal Data through the Platform, whether by directly providing it to us upon request or voluntarily disclosing it through comments, you are giving your consent to the collection, use and disclosure of your Personal Data as set forth in this Privacy Policy.

Please note that your credit card information will only be collected if you choose to make a purchase through our Platform. If you do make such a purchase, our payment processing partner will collect your payment information and process your payment. We do not store any credit card information or share it with anyone other than our payment processor.

Device Information & Usage Data

Whether or not you submit Personal Data, any time you visit our Platform, we or our service providers may collect, store or accumulate certain Device Information and Usage Data. This Information may be used in furtherance of the purposes described above with respect to Personal Data and also in aggregate form for internal business purposes, such as optimizing the

Platform, generating statistics and developing marketing plans, and otherwise for general administrative, analytical, research, optimization, and security purposes.

Information to and from Social Networks

If you choose to connect to our Platform through a third-party social network such as Facebook, Twitter or Instagram (each, a “Social Network”), we may collect Personal Data from your profile on such Social Network, such as your name, username, and e-mail address, and we will use that Personal Data for the purposes set forth herein. In addition, our Platform may offer social sharing features which will allow you to “Share” or “Like” on a Social Network. If you decide to use such features, it may allow the sharing and collection of Information both to and from such Social Network so you should check the privacy policy of each Social Network before using such features.

SHARING OF INFORMATION

In no event will we disclose, rent, sell or share any of your Personal Data to third parties for direct marketing purposes without first giving you the ability to opt in or opt out of such disclosure. We only share your Information with third parties for the purposes described below.

We may share your Personal Data with third party sponsors or partners who will use it for marketing purposes but only if you opt in to such sharing or do not opt out when prompted. We will never share Personal Data in this manner without giving you one of these two options.

We contract with companies or individuals to provide certain services related to the functionality and features of the Platform, including payment processing, email and hosting services, software development, food ordering/delivery, shipping and fulfillment, data management, surveys and marketing, and administration of contests and other promotions. We call them our “Service Providers.” We may share your Personal Data and other Information with Service Providers as appropriate for them to perform their services for us and our Service Providers are permitted to use your Personal Data only for such purposes.

We may also share, make available or transfer Device Information and Usage Data in anonymized form with or to our affiliates, licensees, promotional partners and Service Providers for administrative, analytical, research, optimization, promotional and security purposes, but no such Information will be linked with your Personal Data or be used to identify you.

Finally, we may share your Information: (i) In response to subpoenas, court orders, or other legal process; to establish or exercise our legal rights; to defend against legal claims; or as otherwise required by law. In such cases we reserve the right to raise or waive any legal objection or right available to us; (ii) When we believe it is appropriate to investigate, prevent, or take action regarding illegal or suspected illegal activities; to protect and defend the rights, property, or safety of our company, our users, or others; and in connection with the enforcement of our Terms of Use and other agreements; or (iii) In connection with a corporate

transaction, such as a divestiture, merger, consolidation, or asset sale, or in the unlikely event of bankruptcy.

Notwithstanding any of the above, we will not share your Personal Data if such sharing is prohibited by applicable privacy and data protection law, including, without limitation, the EEA's General Data Protection Regulation effective May 25, 2018.

AUTOMATED DATA COLLECTION / COOKIES

We may use certain automatic analytics and tracking technologies to assist us in performing a variety of functions, including storing your Information, collecting Device Information and Usage Data, understanding your use of the Platform, customizing the content offered to you on the Platform and delivering relevant advertising to you. Such technologies include:

(1) Cookies. Cookies are text files placed in your computer's browser to store your preferences. We use cookies or other tracking technologies to understand site and Internet usage and to improve or customize the Platform and the content, offerings, or advertisements you see on the Platform. For example, we may use cookies to personalize your experience on the Platform (e.g., to recognize you by name when you return to the Platform), save your password in password-protected areas, and facilitate subscriptions or orders on the Platform. Most web browsers automatically accept cookies, but you can usually configure your browser to prevent this. However, not accepting cookies may make certain features of the Platform unavailable to you.

(2) Web Beacons. We may also use "web beacons" or clear GIFs, or similar technologies, which are small pieces of code placed on a web page or in an email, to monitor the behavior and collect data about the visitors viewing a web page or email. For example, web beacons may be used to count the users who visit a web page or to deliver a cookie to the browser of a visitor viewing that page. Web beacons may also be used to provide information on the effectiveness of our email campaigns (e.g., open rates, clicks, forwards, etc.).

(3) Mobile Device Identifiers and SDKs. We also sometimes use, or partner with publishers or app developer platforms that use, mobile Software Development Kits ("SDKs") that are incorporated into the Platform to collect Information, such as mobile identifiers (e.g., IDFAs and Android Advertising IDs), geolocation information, and other information about your device or use of the Platform. A mobile SDK may act as the mobile version of a web beacon (see "Web Beacons" above) and we may use this technology to deliver or help our advertising partners deliver certain advertising through the Platform based on information associated with your mobile device.

By visiting the Platform, whether as a registered user or otherwise, you acknowledge, and agree that you are giving us your consent to track your activities and your use of the Platform through the technologies described above, as well as similar technologies developed in the future, and that we may use such tracking technologies in the emails we send to you.

PERSONAL DATA RETENTION

We retain the Personal Data we receive as described in this Privacy Policy for as long as you use the Platform or as necessary to fulfill the purpose(s) for which it was collected, resolve disputes, establish legal defenses, conduct audits, pursue legitimate business purposes, enforce our agreements, and comply with applicable laws.

PRIVACY AND SECURITY

It is entirely your choice whether or not you provide Personal Data to us. We take reasonable precautions to protect our customers' Personal Data against loss, misuse, unauthorized disclosure, alteration, and destruction. However, please remember that no transmission of data over the Internet or any wireless network can be guaranteed to be 100% secure. As a result, while we strive to protect your Personal Data, we cannot ensure or warrant the security of any Information that you transmit to us or from us, and you do so at your own risk. You hereby acknowledge that we are not responsible for any intercepted information sent via the Internet, and you hereby release us from any and all claims arising out of or related to the use of intercepted information in any unauthorized manner.

If you believe your Personal Data is being improperly used by us or any third party, please immediately notify us via email at privacy@barstoolsports.com.

CHILDREN UNDER 13

The Platform is intended for and targeted to adults. We do not knowingly collect or solicit Personal Data directly from anyone under the age of 13. If you are under 13, please do not send any Personal Data about yourself to us, including your name, address, telephone number, or email address. In the event that we learn that we have collected Personal Data from a child under age 13, we will delete that information as quickly as possible. If you are a parent or guardian of a child under 13 years of age and you believe your child has provided us with Personal Data, please contact us at privacy@barstoolsports.com.

LINKS TO THIRD PARTY PLATFORMS

Our Platform or communications may contain links to third party websites over which we exercise no control, including the form of advertising, embedded content, sponsored content or co-branded content. Except as set forth in this Policy, we do not share your Personal Data with those third parties and are not responsible for the privacy policies of any third party or their management of your Personal Data. Because they may treat your Information differently than we do, we suggest you read the privacy policies on those third party websites prior to submitting any Personal Data to such sites.

TARGETED ADVERTISING

We engage certain third-party service providers to serve advertisements on our behalf across the Internet and to provide analytics services. We may also participate in affiliate advertising and allow affiliate links to be encoded on some of our pages. This means that we may earn a commission when you click on or make purchases via affiliate links.

Our advertisers or the ad networks that serve advertisements may utilize Cookies or other similar technologies (including within the ads) to collect anonymous information from you such as your device identifiers, advertising IDs, and IP address, web browser, actions you take relating to the ads, any links you click on, and conversion information. This information may be used by us, our service providers and their clients in aggregated, anonymous form to, among other things, analyze and track aggregated data, determine the popularity of certain content or products, measure the effectiveness of ad campaigns, determine the proper amount of repeat views of a given ad, and deliver advertising and content targeted to your interests on our Platform and outside of our Platform on other websites (also known as “interest-based advertising”). These service providers are prohibited from collecting any Personal Data from you and we do not share any of your Personal Data with them.

You have a choice about participating in interest-based advertising. If you wish to opt out of such participation, you have a few options:

- On your mobile device, you can visit <https://youradchoices.com/appchoices> to learn about and download the Digital Advertising Alliance’s opt-out app, which allows you to opt your mobile device out of interest-based advertising from participating companies.
- Your mobile device settings may allow you to limit the use of information from your device in interest-based advertising through a “Limit Ad Tracking” setting (in an iOS device) or an “Opt Out of Interest-Based Ads” setting (on an Android device).
- You can learn more about advertising networks and interest-based advertising, and your ability to opt out, by visiting the Digital Advertising Alliance at www.aboutads.info/choices or the Network Advertising Initiative at www.networkadvertising.org/choices.

In providing you with transparency and access to choice regarding interest-based advertising, we are acting in accordance with our commitment to the Digital Advertising Alliance’s Self-Regulatory Principals. To learn more about these Principals, please visit <http://www.aboutads.info/consumers>.

1. Opting Out of Communications

As described above, we may use the Personal Data we collect from you to send you newsletters, push notifications, general communications and promotional e-mails, including promotional communications about our Platform and our or our partners’ products or services. If you do not want to receive such communications, you can opt out (as applicable) by using the unsubscribe link at the bottom of our communications, unchecking the applicable box to opt out when prompted, or by simply not opting in when prompted. You may also at any time opt out of receiving communications from us by sending an e-mail to privacy@barstoolsports.com with the subject line “Opt Out.”

Please note that even if you unsubscribe from our communications, we may still need to contact you with important information related to your account and your purchases. For example, even if you have unsubscribed from our promotional emails, we will still send you

confirmation of a purchase you have made on our Platform or to alert you to changes to our Terms of Use or Privacy Policy.

2. Disallowing Cookies and Location Data Collection

You can opt out of the collection and use of certain information, which we collect about you by automated means, by changing the settings in the device you use to access the Platform. In addition, your browser may tell you how to be notified and opt out of receiving certain types of cookies. Please note, however, that without cookies you may not be able to use all of the features of the Platform.

When you access the Apps through a mobile device, you may be asked to share your precise (GPS level) geo-location information with us so we can customize your experience and the content you receive. If you agree to such collection, in most cases, you will be able to turn off such data collection at any time thereafter by accessing the privacy settings of your mobile device and/or through the settings in the applicable mobile application, which will also cause you to lose the applicable feature for which such location data was collected.

3. Rights of EEA Residents

This section of the Privacy Policy is applicable to residents of the EEA, which consists of the member states of the European Union. This section also applies to residents of Switzerland and, in the event of its departure from the EU, residents of the United Kingdom. Residents of the EEA, UK and Switzerland are referred to here as “EEA Residents.”

From May 25, 2018, all processing of Personal Data of EEA Residents is performed by us in accordance with the General Data Protection Regulation (2016/679) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons regarding the processing of Personal Data and on the free movement of such data (“GDPR”).

Under the GDPR, we are both the controller and a co-processor of the Personal Data of EEA Residents. Our purpose for collecting and processing Personal Data from EEA Residents is to provide them with the features and functionalities of our Platform and information regarding our Platform. The legal basis for collecting Personal Data is because it is necessary for performance of a contract between us to provide you with the Platform and its related features, products, and functionality. We also rely on your consent to receive information about our Platform. You may withdraw consent from receiving marketing and promotional communications by clicking the “Unsubscribe” link on the communication or sending an e-mail to privacy@barstoolsports.com with the subject line “Opt Out.” If EEA Residents do not provide Personal Data to us or withdraw consent for processing such Personal Data, we may not be able to provide such residents with certain features or functionalities of the Platform or information regarding the Platform.

EEA Residents may obtain information about the Personal Data that we hold about them by contacting us at privacy@barstoolsports.com.

International Data Transfers

If you are resident outside the United States, including in the EEA, we transfer Personal Data provided to you for processing in the United States. Under the GDPR, we are considered a “controller” and a “co-processor” of the Personal Data of EEA Residents. By providing Personal Data to us for the purpose of using the Platform, you consent to the processing of such data in the United States. The transfer of your Personal Data to the United States is necessary for the performance of a contract between you and us for your use of the Platform.

Please note that the United States does not have data protection laws equivalent to those in the EEA and other jurisdictions.

Your California Privacy Rights

- California Consumers

This section pertains to the rights of individuals or households in California (“California consumers”).

- Civil Code Section 1798.83

Under certain circumstances, California Civil Code Section 1798.83 states that, upon receipt of a request by a California consumer, a business may be required to provide detailed information regarding how that business has shared that customer’s Personal Data with third parties for direct marketing purposes. However, the foregoing does not apply to businesses like ours that do not disclose Personal Data to third parties for direct marketing purposes without prior approval or give customers a free mechanism to opt out of having their Personal Data disclosed to third parties for their direct marketing purposes.

- Rights under the CCPA

After January 1, 2020, the CCPA (California Civil Code Section 1798.100 et seq.) will provide California consumers with additional rights regarding Personal Data that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly with a particular consumer or household. The categories of Personal Data we collect are generally described above but differ for individual consumers depending on the Services used by such consumers.

Under the CCPA, qualifying California consumers may have the following rights:

1. Right to Know and Right to Delete.

A California consumer has the right to request that we disclose what Personal Data we collect, use, disclose and sell. A California consumer also has the right to submit requests to delete Personal Data.

When we receive a valid request to know or delete from a California consumer, we will confirm receipt of the request within 10 days and provide information about how we will

process the request, including our verification process. We will respond to such requests within 45 days.

2. Right for Disclosure of Information.

A California consumer may also submit requests that we disclose specific types or categories of Personal Data that we collect.

Under certain circumstances, we will not provide such information, including where the disclosure creates a substantial, articulable and unreasonable risk to the security of that Personal Data, customers' account with us, or the security of our systems or networks. We also will not disclose California consumers' social security numbers, driver's license numbers or other government-issued identification numbers, financial account numbers, any health insurance or medical identification numbers, or account passwords and security questions and answers.

3. Submitting Requests

If you are a California consumer and would like to make any requests under the CCPA, please direct them as set forth in the section below entitled "Your Right to Access, Review, and Delete Personal Data."

4. Verifying Requests

If we receive any request we will use a two-step process for online requests where the California consumer must first, clearly submit the request and then second, separately confirm the request. We will use other appropriate measures to verify requests received by mail or telephone.

In submitting a request, a California consumer must provide sufficient information to identify the consumer, such as name, e-mail address, home or work address, or other such information that is on record with us so that we can match such information to the Personal Data that we maintain. Do not provide social security numbers, driver's license numbers, account numbers, credit or debit card numbers, medical information or health information with requests. If requests are unclear or submitted through means other than outline above, we will provide the California consumer with specific directions on how to submit the request or remedy any deficiencies. If we cannot verify the identity of the requestor, we may deny the request.

- Do Not Sell My Info.

If you are a California consumer and would like to opt out of the sale of your Personal Information, please go to this link.

- California Do Not Track Disclosures

Although some browsers currently offer a “do not track (‘DNT’) option,” no common industry standard for DNT exists. We therefore do not currently commit to responding to browsers’ DNT signals.

Your Right to Access, Review, and Delete Personal Data

Under certain laws, including as described above with respect to the GDPR and CCPA, you may have the right to: obtain confirmation that we hold Personal Data about you, request access to and receive information about the Personal Data we maintain about you, receive copies of the Personal Data we maintain about you, update and correct inaccuracies in your Personal Data, object to the continued processing of your Personal Data, and have the Personal Data blocked, anonymized or deleted, as appropriate. The right to access Personal Data may be limited in some circumstances by local law, including as described above under California law. If you qualify, in order to exercise these rights, please contact us as set forth below.

Barstool Sports, Inc.
15 W 27th St.
New York, NY 10001
E-mail: privacy@barstoolsports.com

We may ask you to provide additional information for identity verification purposes, or to verify that you are in possession of an applicable email account.

Please understand, however, that we reserve the right to retain an archive of such Personal Data for a commercially reasonable time to ensure that its deletion does not affect the integrity of our data; and we further reserve the right to retain an anonymous version of such Information.

CHANGES TO THIS PRIVACY POLICY

We reserve the right to change this Policy at any time. In the event we make changes to this Policy, such policy will be re-posted in the "Privacy" section of our Platform with the date such modifications were made indicated on the top of the page. Therefore, please review this Policy from time to time so that you are aware when any changes are made to this Policy. If you have any questions about the changes that were implemented, please contact us at privacy@barstoolsports.com and include “Information Regarding Updated Policy” in the subject line. In any event, your continued use of the Platform after such change constitutes your acceptance of any such change(s), and if you do not accept any changes, you may choose not to use the Platform or opt out by sending us an appropriate notice.

YOUR AGREEMENTS

You represent and warrant that any Personal Data you provide us is true and correct and relates to you and not to any other person.

If you use the Platform, you are responsible for maintaining the confidentiality of your account and for restricting access to your computer or device, and you agree to accept responsibility for all activities that occur under your account.

GENERAL LEGAL

All other terms governing this Privacy Policy shall be those set forth in our [Terms of Use](#) and, if applicable, our [Subscription Terms](#) which are incorporated herein by this reference.

All other terms governing this Privacy Policy shall be those set forth in our [Terms of Use](#) which are incorporated herein by this reference.

If you have questions or comments about this Policy, please contact us at privacy@barstoolsports.com with “Privacy” in the subject line of your email.