

# Website Privacy Policy

Last updated: May 4, 2021

This privacy policy (the “Privacy Policy”) applies to this website, all services provided through this website [www.americasbestracing.net](http://www.americasbestracing.net) (the “Website”), the Stay Lucky application and all of our other games, contests, sweepstakes and other properties (collectively, Stay Lucky and all other games, contests, sweepstakes and other properties of Ours are referred to herein as “ABR Properties”) through which you agree to this Privacy Policy. The purpose of this Privacy Policy is to disclose to you what information we may collect, how we may collect it, with whom we may share it, and certain other matters related to such information, including the choices you have regarding our collection of information and our use and disclosure to other parties of information we may have collected from you.

By visiting the Website, visiting our page at <https://www.facebook.com/AmericasBestRacing> (“Facebook Page”) or by and/or engaging with the ABR Properties or as otherwise agreed by you via a separate agreement, you consent to our collection, storage, use and disclosure of your personal information as described in this Privacy Policy.

The Website is operated by TJC Media Ventures, Inc., which is a related entity to The Jockey Club, (“TJC”, “We”, “Our” or “Us”). We have contracted with or will possibly contract with third parties, including, without limitation, Equibase Company LLC and Branch & Bramble to operate certain aspects of the Website and our Facebook Page on our behalf.

We own the information collected via the Website and in connection with any of the ABR Properties and, subject to this Privacy Policy, we may use it for our own purposes, including marketing.

If you access the Website or one of the ABR Properties from a third party social networking site (“SNS”), you may be required to also read and accept the SNS terms of service and privacy policy.

When this Privacy Policy uses the term “personally identifiable information” or “personal information,” we mean information that identifies a particular individual, such as your full name, street address or email address. When other information, such as a favorite horse or jockey, is associated with personal information, it also becomes personally identifiable information for the purposes of this privacy policy.

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## **1. YOUR ACCEPTANCE OF, AND CHANGES TO, THE PRIVACY POLICY**

By using the Website or as otherwise agreed by you via a separate agreement, you agree to the terms of this Privacy Policy. We may amend this Privacy Policy at any time. If we make a material change to this Privacy Policy, we will post a notice on the Website and may send an email to users who have provided an email address. We will assume that you have given your permission for your information to be used under the terms of the Privacy Policy, as modified, if you do not respond to the email, if an email is sent, within 30 days or continue to use the Website 30 days after a notice is posted. Please note that you should always update your personal information to provide us with a current email address.

## **2. INFORMATION WE MAY COLLECT**

### **Information You Provide Us**

In the course of using the Website or engaging with an ABR Property, we may ask you to provide us with certain information, including contact information, such as your name, mailing address, email address, phone number or fax number; unique identifiers, such as your user ID, or user password; and demographic information, such as your date of birth or age.

We may also offer you the option to complete a user profile that is visible to other users of the Website or another ABR Property. Your user profile may include: a profile photo; one or more game username(s); your gender; biographic details that you provide; links to your profiles on various SNS; details about the games you play; and a TJC user ID number that is created by TJC and used to identify your profile.

The TJC user ID number used to identify your account and profile will be public and will appear in the URL of your profile page, but will only permit access to information that is considered public or that you have designated as public in your settings.

Your first and last names and profile picture are considered “public” on the Website and ABR Properties and search engines may index this publicly available information. When We offer profiles, We will also offer functionality that allows you to opt-out of public indexing of your public profile information.

We may also offer you the ability to import your address book contacts or manually enter e-mail addresses so that you can (i) locate your contacts on the Website; and (ii) invite those contacts to join you in participating in ABR Property-related activities.

### **Email Communications**

When you open emails from us, we may receive a confirmation notifying us that you opened the email. We also may keep track of what emails we send you and what emails you may be receiving

from our affiliates. Additionally, we keep a record of what communications you have selected to receive or not to receive. If you would like to opt-out of receiving such emails, please click on the “unsubscribe” link in the email and follow the instructions.

### **Website and ABR Property-Related Usage Information**

We may receive and store certain types of internet usage information whenever you visit the Website or engage with another ABR Property, such as your click-stream data and your IP address. See “IP Addresses and Click Stream Data” section below.

### **Information from Other Sources**

We may receive information about you (e.g., missing street number) from other sources and add it to your personal information.

## **3. HOW WE COLLECT INFORMATION**

We may collect information from you in several different areas on the Website and the ABR Properties, including but not limited to those described below:

### **Registration**

You may be asked to complete a registration form and provide personally identifiable information; you may also be asked to choose a user ID and password in order to take advantage of certain features the Website may choose to offer, such as contests. Your decision to register is voluntary and you will have the opportunity to decide whether or not to disclose information to us and what communications you would like to receive; however, please be advised that many products and services available on the Website and in the ABR Properties require registration and if you elect not to provide such information, you will not be able to take advantage of those products and services.

### **Contests or Sweepstakes**

We may periodically operate contests and sweepstakes through the Website or on a stand-alone basis (as ABR Properties) that will require registration or the submission of personal information. Your personally identifiable information would be used to contact you for winner notification, prize delivery confirmation or other related purposes (see the rules of each contest for details).

### **Surveys or Voting**

From time-to-time We may request personally identifiable information from you in conjunction with a survey or voting poll. Participation is voluntary, and you will have the opportunity to decide whether or not to disclose information.

### **Cookies**

As with many websites and applications, the Website uses and some of the ABR Properties use a technology called “cookies.” A cookie is a collection of information that gets stored on the hard

drive of your computer when browsing the Internet. These small bits of code automatically identify your browser to the Website or an ABR Property whenever your computer is used to visit the Website or use the ABR Property. Cookies also let Us know how many people visit the Website and where visitors go on the Website and how they use an ABR Property, as well as non-personally identifiable information, like how many times a user has been on certain pages. For registered users, cookies can make using the Website or an ABR Property easier for you by saving information such as your passwords or preferences. By tracking how and when you use the Website or an ABR Property, cookies help Us determine which areas are popular and which are not. Improvements and updates to the Website or an ABR Property may be based on data obtained from cookies. Accepting cookies allows you, among other things, to personalize your experience on the Website or an ABR Property. Cookies may also allow the Website or an ABR Property to present to you advertising which may be of interest to you. If you do not want information collected through the use of cookies, your browser should contain an option that allows you to disable or delete cookie data at any time. Some areas of the Website or an ABR Property, however, may not provide you with a personalized experience if you have disabled the use of cookies.

### **Web Beacons and Other Tracking Technology**

The Website and ABR Properties may use a variety of technical methods for tracking purposes, including Web beacons. Web beacons are small pieces of data that are embedded in images on the pages of websites. We also may use these technical methods to analyze the traffic patterns on the Website and the ABR Properties, such as the frequency with which Our users visit various parts of the Website. These technical methods may involve the transmission of information either directly to Us or to another party authorized by Us to collect information on Our behalf. We also may use these technical methods in HTML emails that We send to determine whether the recipients have opened those emails and/or clicked on links in those emails. The information from use of these technical methods may be collected in a form that is personally identifiable.

### **IP Addresses and Click-Stream Data**

We may collect IP addresses and/or click-stream data. An IP address is a number associated with the service through which you access the Internet, like your ISP (Internet service provider), your company or your university. Standing alone, your IP address is not generally personally identifiable. At times, We also use IP addresses for purposes of system administration and to report aggregate information to Our advertisers and sponsors, for example regarding the frequency with which Our guests visit various parts of the Website or an ABR Property. We may combine this information with personally identifiable information We obtain from you directly on the Website or any ABR Property, or from third parties.

Click-stream data is information collected by Our computers when you request pages from the Website or an ABR Property. Click-stream data may include such information as the page served, the time, the source of the request, the type of browser making the request, the preceding page view and other such non-personal information. When analyzed, this data helps Us analyze how visitors arrive at the Website or an ABR Property, what type of content is most popular, what type of visitors in the aggregate are interested in particular kinds of content and advertising, and the like.

## **4. HOW WE USE THE INFORMATION COLLECTED**

We own the information collected on or through the Website and the ABR Properties. As applicable, the information you provide to Us may be used to:

- contact you about the Website or the ABR Properties, technical support or inquiries;
- provide you with services or information you have requested or products or services you have ordered or agreed to receive;
- monitor and enforce Our Website Terms and Conditions and the agreements regarding the use of the ABR Properties;
- inform you of and fulfill a prize you may have won;
- monitor or improve the use of the Website or the ABR Properties or solicit input and feedback;
- deliver, customize and target the advertising and content you see; and
- send you promotional material or special offers on behalf of Our marketing partners and/or their respective affiliates and subsidiaries and other third parties.

Subject to the Business Transfers provisions of Section 5 below, We will not sell your personal information to any third parties.

## 5. SHARING YOUR INFORMATION

At times, as described below, We may share your personal information with others for various purposes:

- **Agents:** We employ other businesses and individuals to perform functions on Our behalf, including, without limitation, Branch & Bramble. Examples may include fulfilling orders and prize winnings, Website analysis, analyzing data, providing marketing assistance, processing credit card payments and providing customer service. They may have access to personally identifiable information needed to perform their functions.
- **Aggregate Information:** We may share aggregate information, such as demographics and Website usage statistics, with advertisers, sponsors or other organizations. When this type of information is shared, the other parties do not have access to your personally identifiable information.
- **Opt-in to Receive Third Party Offers:** Throughout the Website and within the ABR Properties you may be presented with opportunities to receive information and/or marketing offers sent from third party(s). Opt-in opportunities will ask you if you would like your personally identifiable information to be shared with such third party(s) as necessary to receive such information or marketing offers. If you do not elect to "opt-in" to having your personally identifiable information shared, your personally identifiable information will not be shared with such third party(s). If you do choose to have your personally identifiable information shared, your personally

identifiable information will be transferred to such third party(s) solely for the purpose of permitting such third party(s) to provide you with such information and marketing offers. Please be advised that if you elect to provide your personally identifiable information in response to such third party(s) marketing offers or otherwise, all information you disclose to such third party(s) will be subject to the privacy policy and practices of such third party(s). We are not responsible for the privacy practices and policies of such third party(s) and, therefore, you should review the privacy practices and policies of such third party(s) prior to providing your personally identifiable information to such third party(s).

- **Products, Prizes or Services Offered in Partnership with Third-Party(s):** Certain products, prizes and/or services available on the Website or the ABR Properties may be provided to you in partnership with third party(s) and may require you to disclose personally identifiable information in order to register for and access such products, prizes and/or services. Such products, prizes and/or services will identify the third party partners at the point of registration. If you elect to register for such products, register for receipt of prizes you have won and/or register for Our services your personally identifiable information will be transferred to such third party(s) and will be subject to the privacy policy and practices of such third party(s). We are not responsible for the privacy practices and policies of such third party(s) and, therefore, you should review the privacy practices and policies of such third party(s) prior to providing your personally identifiable information in connection with such products and/or services.
- **Affiliates:** We may share your information (including, without limitation, personally identifiable information) with related entities to TJC, including, without limitation, The Jockey Club, Axcis Information Network, Inc., InCompass Solutions, Inc., Equibase Company LLC, The Jockey Club Information Systems, Inc., The Jockey Club Technology Services, Inc., Blood-Horse LLC and TJC Holdings, Inc. as well as any data consortium operated by or on behalf of any of them.
- **Third-Party Ad Serving and Audience and Traffic Measurement Services:** We may use a third-party network advertiser to serve the advertisements on the Website and the ABR Properties or may use a traffic measurement service to analyze the traffic on the Website or with regard to the ABR Properties. Network advertisers are third parties that display advertisements based on your visits to this Website and other websites you have visited. Third-party ad serving enables Us to target advertisements to you for products or websites in which you might have an interest. Audience and Traffic Measurement Services allow Us to collect anonymous traffic and behavior information from the Website by monitoring anonymous visitor activity. Such advertisers, sponsors and/or traffic measurement services may themselves set and access their cookies on your computer if you choose to have your cookies enabled in your browser. Cookies allow third-party advertisers to show you advertisements or content. Note that any images (or any other parts of a web page) served by third parties in association with third-party cookies may serve as web beacons, which enable third parties to carry out the previously described activities. Other companies' uses of their cookies are subject to their own privacy policies, not this one.

- **Business Transfers:** In the event that assets of Ours are sold or transferred to another party, or another transaction occurs in which your personally identifiable information is one of the business assets transferred, all personally identifiable information that has been collected and saved may be one of the business assets We transfer. You will be notified of such a transfer in accordance with the “Changes to the Policy” section.
- **Administrative or Legal Process:** We or others may disclose your personal information to third parties without notice to you in order to comply with applicable law, law enforcement agencies, to protect our or third parties’ rights, or to protect the rights of other users of the Website.

## **6. LINKS TO THIRD PARTY WEBSITES**

You should be aware that when you are on the Website or are utilizing another ABR Property you could be directed to other websites beyond Our control. For example, if you “click” on an advertisement, the “click” may take you off the Website or out of the ABR Property and onto a different website. This includes links from advertisers, sponsors and marketing partners that may use Our logo as part of a co-branding agreement. These other websites may send their own cookies to you, independently collect data or solicit personal information and may or may not have their own published privacy policies. If you visit a website that is linked to the Website or an ABR Property, you should consult that website's privacy policy before providing any personal information.

## **7. SECURITY**

The Website incorporates reasonable safeguards to protect the security, integrity, completeness, accuracy and privacy of the personal information that We may collect and We have put into place reasonable precautions to protect such information from loss, misuse and alteration. Only those employees who need access to your information in order to do their jobs are allowed access. Our security policies are reviewed periodically and revised as required.

## **8. POLICIES CONCERNING CHILDREN**

Our Website is not intended for children under the age of 13 and We do not knowingly collect any personal information from children under the age of 13. Children under the age of 13 should not use Our Websites or any ABR Property at any time. In the event that We learn that We have inadvertently gathered personal information from a child under the age of 13, We will take reasonable measures to promptly erase such information from Our records.

## **9. CORRECTING YOUR INFORMATION**

If your personally identifiable information changes (such as your email address or zip code), or if you no longer desire to have access to the Website and any other ABR Property, We will endeavor to provide a way to correct, update or remove the personal data you have provided to Us. You may request that We do so by emailing Us at [americasbesttracing@jockeyclub.com](mailto:americasbesttracing@jockeyclub.com), signing into your online account and making the desired changes, or via mail to: TJC Media Ventures, Inc., Attn:

Web Administrator, 40 East 52<sup>nd</sup> Street, New York, New York 10022. We will respond to your request within ten business days of receiving your correspondence.

## **10. YOUR CALIFORNIA PRIVACY RIGHTS**

California Civil Code Section 1798.83 permits customers of the Website and any other ABR Property who are California residents to request certain information regarding Our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please send an email to: TJC Media Ventures, Inc., Attn: Web Administrator, 40 East 52<sup>nd</sup> Street, New York, New York 10022.

## **11. QUESTIONS ABOUT THIS PRIVACY POLICY**

If you have any questions about this Privacy Policy or the privacy practices of this Website or of any ABR Property, please contact Us by email at [americasbesttracing@jockeyclub.com](mailto:americasbesttracing@jockeyclub.com), or by mail to:

TJC Media Ventures, Inc.  
40 East 52<sup>nd</sup> Street  
New York, New York 10022  
Attn: Web Administrator