

Notice at Collection and Privacy Policy for HR Individuals Who Reside in California

Last Updated: **12/31/2023**

“Dutch Bros” which consists of the affiliated companies Dutch Bros., LLC, DB Franchising USA, LLC, Boersma Bros. LLC, Dutch Mafia, LLC, and DB Management Co (collectively “Company”) takes your privacy seriously. We want you to know how we collect, use, and disclose, your personal information.

California Notice at Collection: Company collects the personal information identified in Section 1 for the purposes identified in Section 3 and retains it for the period described in Section 5. We do not sell your personal information or disclose it for cross-context behavioral advertising. We also do not collect or process sensitive personal information for the purpose inferring characteristics about you.

Assistance For The Disabled

Alternative formats of this Privacy Policy are available to individuals with a disability. Please contact recruitmenthelp@dutchbros.com for assistance.

This Privacy Policy explains:

1. The categories of personal information we collect about you
2. The categories of sources from which we collect your personal information
3. The purposes for which we use your personal information
4. How we may disclose your personal information
5. How long we keep your personal information
6. Your privacy rights and how to exercise them
7. Changes to this Privacy Policy

Scope:

This Privacy Policy applies to the personal information of California residents who are (a) employees, (b) independent contractors, interns, volunteers, owners, board members, and other individuals who perform work for Company (collectively **“Non-Employees”**), and (c) employees’ and Non-Employees’ dependents, emergency contacts, and beneficiaries (**“Related Contacts”**), (all collectively, **“HR Individuals”**) in their role as HR Individuals. This Privacy Policy informs HR Individuals about the categories of personal information Company has collected about them in the preceding twelve months as well as the categories of personal information that the Company will collect about HR Individuals in the future.

Except where the Privacy Policy specifically refers only to a specific category of HR Individuals, e.g., employees, this Privacy Policy refers to all categories of HR Individuals collectively.

“Personal information” means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular HR Individual or household.

“Personal information” does not include:

- Information publicly available from government records or made publicly available by you or with your permission;
- Deidentified or aggregated information;
- Information excluded from the CPRA’s scope, such as:

- protected health information covered by the Health Insurance Portability and Accountability Act (“HIPAA”) or the Health Information Technology for Economic and Clinical Health Act (“HITECH”) or medical information covered by California Confidentiality of Medical Information Act (“CMIA”); or
- personal information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (“FCRA”), the Gramm-Leach-Bliley Act (“GLBA”), or the California Financial Information Privacy Act (“FIPA”).

1) THE CATEGORIES OF PERSONAL INFORMATION WE COLLECT

A. Employees

- **Identifiers**, for example: real name, alias, telephone number, postal address, e-mail address, signature, bank account name and number for direct deposits, Social Security number for example for tax purposes, driver’s license number, and photographs.
- **Professional or Employment-Related Information**, for example: educational institutions attended, degrees and certifications, licenses, work experience and previous employers, professional memberships and affiliations, union representation, seniority, training, employment start and ending dates, and job title.
- **Compensation and benefits information for employees**, for example: salary, bonus and commission, equity compensation information, hours and overtime, leave information, bank details (for payroll and reimbursement purposes only), benefits in which you may be enrolled, and identifying information for dependents and beneficiaries.
- **Non-public educational information**, for example: academic transcripts.
- **Commercial Information**, for example: business travel and expense records.
- **Internet Activity Information**, for example: Internet browsing and search history while using Company’s network, log in/out and activity on Company’s electronic resources, interactions with Company’s Internet web site, application, or advertisement, and publicly available social media activity.
- **Sensory or Surveillance Data**, for example: voice-mails, recordings of meetings or video-conferences, and footage from video surveillance cameras.
- **§ 1798.80**: personal information described under Cal. Civ. Code § 1798.80 to the extent not already included in other categories here, such as benefit information to administer short and long-term benefits as well as other benefit plans.
- **Preferences**, for example, hobbies and leisure activities, membership in voluntary/charitable/public organizations, and preferences regarding work tools, travel, hours, food for company events, etc.
- **Characteristics of Protected Classifications Under California or Federal Law for employees**, for example: race, age, national origin, disability, sex, and veteran status as necessary to comply with legal obligations and to support diversity and inclusion programs; disability, medical condition, and pregnancy, childbirth, breastfeeding, and related medical conditions, as necessary to comply with Federal and California law related to leaves of absence and accommodation; and marital and familial status as necessary to provide benefits to employees and for tax purposes.
- **Geolocation data**, for example: location reported in the Company’s safety and whistleblower application, LiveSafe.

B. Non-Employees

Company collects the categories of personal information listed in Section 1.A, above, *excluding* the following categories: (a) Compensation and benefits information for employees and (b) Characteristics of protected classifications under California or federal law for employees.

In addition, Company collects the following personal information regarding Non-Employees:

- Compensation: Amounts paid to Non-Employees for services rendered;

C. Related Contacts

- Company only collects contact information about emergency contacts.
- Company may collect the following categories of personal information about spouses or domestic partners, dependents, and beneficiaries: (a) Identifiers; (b) Commercial Information if, for example, Company arranges travel for a dependent to attend a Company event; (c) Internet Activity Information if the individual uses Company electronic resources and web sites; (d) § 1798.80 personal information, such as insurance policy numbers if the individual is covered by Company insurance or health information, for example, infectious disease testing when a Related Contact attends a Company event; and (e) Protected Categories of Personal Information, for example, childbirth to administer parental leave, marital status to pay taxes, and familial status to administer benefits.

Note on inferring characteristics: Company does not collect or process sensitive personal information or characteristics of protected classifications for the purpose of inferring characteristics about the HR Individual.

2) THE CATEGORIES OF SOURCES FROM WHICH WE COLLECT YOUR PERSONAL INFORMATION

- **You**, for example, in your application, forms you fill out for us, assessments you complete, surveys you submit, and any information you provide during the course of your relationship with us.
- **Your spouse or dependent** with respect to their own personal information.
- **Vendors and service providers**, for example, law firms.
- **Affiliated companies**, for example, when an employee works on a cross-enterprise team.
- **Third parties**, for example, job references, business partners, professional employer organizations or staffing agencies, insurance companies.
- **Public internet sources**, for example, social media, job boards, public profiles, and other public online sources
- **Public records**, for example, court records, and credentialing and licensing organizations.
- **Automated technologies** on Company's electronic resources, for example, to track logins and activity across Company network.
- **Surveillance/recording technologies installed by Company**, for example, video surveillance in common areas of Company facilities, global positioning system ("GPS") technologies, voicemail technologies, webcams, audio recording technologies, and blue-tooth technologies, any of these with consent to the extent required by law.
- **Government or administrative agencies**, for example, law enforcement, public health authorities, California Department of Industrial Relations, Employment Development Department.
- **Acquired company**, if Company acquired your employer, Company might collect personal information from that employer.

3) THE PURPOSES FOR WHICH WE USE YOUR PERSONAL INFORMATION

A. All HR Individuals

Managing Personnel, including:

(Not applicable to Related Contacts)

- **Administration, including:**
 - To manage personnel and workforce matters
 - To communicate with the workforce
 - To plan and arrange work supplies and workspaces
 - To fulfill recordkeeping and reporting responsibilities
 - For recruitment of new HR Individuals
 - To resolve internal grievances and disciplinary issues
 - To make business travel arrangements
 - To manage workforce-related emergencies, including health emergencies
- **Workforce development, including:**
 - To screen workforce for risks to Company and continued suitability in their positions
 - To conduct surveys
- **Team-building, including:**

- To maintain an internal workforce directory and for purposes of identification
- To facilitate communication, interaction, and collaboration among HR Individuals
- To arrange meetings and manage Company-sponsored events and public service activities
- To promote Company as a place to work
- Workforce reporting and data analytics/trend analysis
- For workforce satisfaction

Monitoring, Security, and Compliance, including:

- To monitor access to, and use of, Company facilities and information systems
- To ensure compliance with Company policies
- To conduct internal audits and investigations
- To administer Company's whistleblower and safety reporting application
- To protect the safety and security of Company's facilities, including preventing illicit activity
- To report suspected criminal conduct to law enforcement and cooperate in investigations
- To exercise Company's rights under applicable law and to support any claim, defense, or declaration in a case or before a jurisdictional and/or administrative authority, arbitration, or mediation panel

Conducting Our Business, including:

(Not applicable to Related Contacts)

- To engage in marketing, advertising, and promotion
- For communications with prospective, current, and former customers
- To provide a directory and contact information for prospective and current customers and business partners
- For customer service purposes
- To manage business expenses and reimbursements
- To engage in project management
- To conduct product and service training
- To conduct research and development
- To conduct quality assurance and improvement
- For event planning
- To engage in crisis management

Miscellaneous Other Purposes:

- To efficiently manage and operate administrative, information technology, and communications systems, risk management and insurance functions, budgeting, financial management and reporting, and strategic planning;
- To manage litigation involving Company, and other legal disputes and inquiries and to meet legal and regulatory requirements;
- In connection with a corporate transaction, sale, or assignment of assets, merger, divestiture, or other changes of control or financial status of Company or any of its subsidiaries or affiliates;
- To manage licenses, permits, and authorizations applicable to Company's business operations; and
- To protect the rights, property, or safety of Company, HR Individuals, customers, or others.

B. Employees

1. Generally Applicable Purposes

Unless stated otherwise in section 3.B.2, below, we may use employees' personal information for the following purposes:

Managing Employees, including:

● **Administration, including:**

- To set up and manage a personnel file
- To manage performance
- To administer compensation, bonuses, equity grants, other forms of compensation, and benefits (as permitted by law)

- To manage vacation, sick leave, and other leaves of absence
- To track hours and attendance
- **Employee development, including:**
 - To provide, evaluate, and manage training and career development
 - To evaluate job performance and consider employees for other internal positions or promotions
 - To assist with professional licensing
 - To develop a talent pool and plan for succession
- **Team-building, including:**
 - For diversity and inclusion programs
 - To arrange team-building and other morale-related activities
 - To design employee retention programs

2. Purposes Specific To Certain Categories Of Employees' Personal Information

We may use the categories of employees' personal information listed in this Section 3.B.2 for the purposes stated below:

Purposes For Using Employees' Geolocation Data:

- Use of the Company's optional safety and whistleblower application, LiveSafe, will transmit location data to the Company concerning the employee's location at the time of the report for purposes of aiding our investigation into any claims.

Purposes For Using Employees' Health Information:

- To the extent necessary to comply with Company's legal obligations, such as to accommodate disabilities
- To conduct a direct threat analysis in accordance with the Americans with Disabilities Act and state law
- For workers' compensation purposes
- For occupational health surveillance
- For occupational health and safety compliance and record-keeping
- To conduct fitness-for-duty examinations
- To administer leaves of absence and sick time
- To provide a wellness program
- To respond to an employee's medical emergency

Purposes For Using Employees' Protected Categories Of Information:

Company collects information about race, age, national origin, disability, sex, and veteran status as necessary to comply with legal obligations, including the reporting requirements of the federal Equal Employment Opportunity Act, The Office of Federal Contracting Compliance Programs (applicable to government contractors), and California's Fair Employment and Housing Act. Company also collects information about disability status to the extent an employee may need special assistance during emergencies from Company or from first responders.

Company also collects the following characteristics (in addition to those listed above) for its diversity and inclusion programs (including analytics): (a) religion, (b) sex, (c) gender, (d) pregnancy, (e) childbirth, (f) breastfeeding, or related medical conditions, (g) sexual orientation, (h) disability, (i) gender identity, (j) gender expression, (k) marital status, (l) age, (m) familial status, or (n) ancestry.

In addition, Company uses this personal information for purposes including:

- with respect to disability, medical condition, familial status, marital status, and pregnancy, childbirth, breastfeeding, and related medical conditions: as necessary to comply with Federal and California law related to leaves of absence and accommodation;
- with respect to military and veteran status: as necessary to comply with leave requirements under applicable law and for tax purposes;
- with respect to age: incidentally to the use of birth date for birthday celebrations and identity verification;

- with respect to religion and pregnancy, childbirth, breastfeeding, and related medical conditions: as necessary for accommodations under applicable law;
- with respect to protected classifications, such as national origin: to the extent this information is contained in documents that you provide in I-9 documentation; and
- with respect to marital status and familial status: for Company events and as necessary to provide benefits and for tax purposes.

Company collects personal information about membership in protected categories on a purely voluntary basis, except where required by law, and uses the information only in compliance with applicable laws and regulations.

C. Contingent Workforce

Managing Contingent Workforce, including:

- To evaluate the individual's qualifications for engagements, including licensure and certifications
- To negotiate and execute the agreement with the individual
- To provide orientation and familiarization with Company's working environment
- To administer the contractual relationship, including payments
- To manage absences

D. Owners/Board Members

Board Members:

- To evaluate qualifications for the role
- To administer the relationship
- To administer compensation, bonuses, equity grants, other forms of compensation, and benefits (as permitted by law)
- To monitor compliance with Company policies

E. Related Contacts

Spouse and Dependents/Beneficiaries

- To manage and administer benefits
- To communicate with the individual and manage the relationship
- To arrange travel to, and manage participation in, Company events

Emergency Contacts

- To communicate in the event of an emergency involving the individual who provided the emergency contact's information

F. Deidentified Information

At times, Company converts personal information into deidentified information using reasonable measures to ensure that the deidentified information cannot be associated with the individual ("Deidentified Information"). Company maintains Deidentified Information in a deidentified form and does not attempt to reidentify it, except that Company may attempt to reidentify the information solely for the purpose of determining whether its deidentification processes ensure that the information cannot be associated with the individual. Company prohibits vendors, by contract, from attempting to reidentify Company's Deidentified Information.

G. Anticipated Purposes of Use

Although Company has not used personal information for the following purposes in the past 12 months, it may do so in the future:

- **[DRAFTING NOTE:** Insert here unusual purposes of use that you anticipate and that have not applied in the last 12 months. For example, if Company is planning to introduce a new employee app, such as a social responsibility/volunteerism app, in the coming 12 months, that should be addressed here.]

4) HOW WE MAY DISCLOSE YOUR PERSONAL INFORMATION

Company generally maintains information related to its personnel as confidential. However, from time to time, Company may have a legitimate business need to disclose personnel information for one of the purposes listed in Section 2, above, to one or more of the categories of recipients listed below. In that event, Company discloses information within the categories of personal information above only to the minimum extent necessary to achieve the purpose of the disclosure and only if the disclosure is permitted by the CPRA and other applicable laws.

- **Your direction:** We may disclose your personal information to third parties at your direction.
- **Service providers and contractors:** Company discloses your personal information to service providers and contractors to assist us in meeting our business needs and contractual and legal obligations.
 - Service providers and contractors include auditors, administrative service providers, law firms, travel agencies, benefits providers, and any other entity providing services to Company.
- **Affiliated companies:** Other companies within the **Dutch Bros** family of companies.
- **Business partners:** For example, Company might disclose your business contact information to a co-developer of a new product or service with which you will be working.
- **Government or administrative agencies:** These may include, for example:
 - Internal Revenue Service to pay taxes;
 - Employment Development Department as required for state payroll taxes and to respond to unemployment or state disability insurance claims;
 - OSHA/CalOSHA as required to report work-related death or serious injury or illness;
 - Department of Fair Employment and Housing as required to respond to employment charges; and
 - California Department of Industrial Relations as required to resolve workers' compensation claims.
- **Public:** Company may disclose your personal information to the public as part of a press release, for example, to announce promotions or awards. If you do not want your personal information in press releases, please contact **[insert contact information and department, e.g., the HR Department at HR@company.com]**. Company does not disclose sensitive personal information to the public.
- **Labor union:** Company may disclose workers' personal information to a union if it represents the worker or with worker consent.
- **Required Disclosures:** We may be required to disclose personal information (a) in a court proceeding, (b) in response to a court order, subpoena, civil discovery request, other legal process, or (c) as otherwise required by law.
- **Legal Compliance and Protections:** We may disclose personal information when we believe disclosure is necessary to comply with the law or to protect the rights, property, or safety of Company, our users, or others.
- **Corporate Transactions:** We may disclose your personal information in connection with a corporate merger, consolidation, bankruptcy, the sale of all, or substantially all, of our membership interests and/or assets or other corporate change, including to any prospective purchasers.

No sales and no "sharing", i.e., disclosure for cross-context behavioral advertising:

Company does not sell the personal information of any HR Individuals nor disclose their personal information for cross-context behavioral advertising.

5) HOW LONG WE KEEP YOUR PERSONAL INFORMATION

Company keeps your personal information no longer than necessary for the purposes described in Section 2 above and in accordance with our retention obligations under applicable law or pursuant to other legal obligations. .

6) YOUR PRIVACY RIGHTS AND HOW TO EXERCISE THEM

a. Your California Privacy Rights

Subject to applicable law, HR Individuals have the following rights:

- **Right to Know:** You have the right to submit a verifiable request up to twice in a 12-month period for specific pieces of your personal information obtained from you and for information about the Company's collection, use, and disclosure of your personal information.

Please note that the CPRA's right to obtain specific pieces does not grant a right to the whole of any document that contains personal information, but only to items of personal information. Moreover, HR Individuals have a right to know categories of sources of personal information and categories of third parties to which personal information is disclosed, but not the individual sources or third parties.

- **Right to Delete:** You have the right to submit a verifiable request for the deletion of personal information that you have provided to Company.
- **Right to Correct:** You have the right to submit a verifiable request for the correction of inaccurate personal information maintained by Company, taking into account the nature of the personal information and the purposes of processing the personal information.

b. How to Exercise Your Rights

Company will respond to requests to know, delete, and correct in accordance with applicable law if it can verify the identity of the individual submitting the request. You can exercise these rights in the following ways:

- Call +1-833-539-4700 (toll free).
- Access My Personal Information: <https://www.requesteasy.com/63a3-3490>
- Delete My Personal Information: <https://www.requesteasy.com/63a3-3490>
- Correct My Personal Information: <https://www.requesteasy.com/63a3-3490>
- Do Not Share My Personal Information: <https://www.requesteasy.com/63a3-3490>
- Appeal Our Denial: <https://www.requesteasy.com/63a3-3490>

c. How We Will Verify Your Request:

The processes that we follow to verify your identity when you make a request to know, correct, or delete are described below. The relevant process depends on how and why the request is submitted.

If you submit a request by any means other than through a password-protected account that you created before the date of your request, the verification process that we follow will depend on the nature of your request as described below:

1. **Requests To Know Categories Or Purposes:** We will match at least two data points that you provide with your request, or in response to your verification request, against information about you that we already have in our records and that we have determined to be reliable for purposes of verifying your identity. Examples of relevant data points include your mobile phone number, your zip code, or your employee identification number.
2. **Requests To Know Specific Pieces Of Personal Information:** We will match at least three data points that you provide with your request, or in response to our request for verification information, against information that we already have about you in our records and that we have determined to be reliable for purposes of verifying your identity. In addition, we may require you to sign a declaration under penalty of perjury that you are the individual whose personal information is the subject of the request.

3. **Requests To Correct or Delete Personal Information:** Our process for verifying your identity will depend on the risk level (as determined by Company) associated with the personal information that you ask us to correct or delete. For low-risk personal information, we will require a match of two data points as described in Point No. 1, above. For higher risk personal information, we will require a match of three data points and a signed declaration as described in Point No. 2, above.

We have implemented the following additional procedures when verifying the identity of requestors:

1. If we cannot verify your identity based on the processes described above, we may ask you for additional verification information. If we do so, we will not use that information for any purpose other than verification.
2. If we cannot verify your identity to a sufficient level of certainty to respond to your request, we will let you know promptly and explain why we cannot verify your identity.

d. Authorized Agents

If an authorized agent submits on your behalf a request to know, correct, or delete, the authorized agent must submit with the request another document signed by you that authorizes the authorized agent to submit the request on your behalf. In addition, we may ask you or your authorized agent to follow the applicable process described above for verifying your identity. You can obtain the “Authorized Agent Designation” form by contacting us at legal@dutchbros.com.

e. Company’s Non-Discrimination And Non-Retaliation Policy

Company will not unlawfully discriminate or retaliate against you for exercising your rights under the California Privacy Rights Act.

7. CHANGES TO THIS PRIVACY POLICY

If we change this Privacy Policy, we will post those changes on this page and update the Privacy Policy modification date above.

For More Information

For questions or concerns about Company’s privacy policies and practices, please contact us at legal@dutchbros.com.