

PRIVACY POLICY

THIS WEBSITE IS ONLY INTENDED FOR USERS IN THE UNITED STATES.

IF YOU RESIDE OUTSIDE OF THE UNITED STATES, PLEASE DO NOT USE THIS WEBSITE, OUR SERVICES OR OUR OTHER PROPERTIES.

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1. OUR COMMITMENT TO PRIVACY

Your privacy is important to O'Charley's, LLC ("dba Underground Chuck's"). To protect the privacy of the visitors ("you") to the Underground Chuck's website at <https://www.undergroundchucks.com>, Underground Chuck's ("we/us") has developed this Privacy Policy ("Policy") explaining our online information practices and the choices you can make about the way your information is collected and used. Please read below for more specific information on the type of information that we collect and how we use it.

2. TYPES OF INFORMATION WE COLLECT

This section of our Policy describes in detail the type of information that we collect. We collect information from you in various ways when you access or use various services (the "Services"), our websites and/or our mobile applications (collectively, the "Properties").

Much of the personal information collected through the Properties is voluntarily submitted by you. For example:

- **Account Information.** We may collect personal information from you, such as your first and last name, email address, telephone number, date of birth, zip code, mailing address, and password or other unique identifier, when you create an account for one of our programs, e.g., our email or other loyalty or rewards program ("Account").
- **Location Information.** If you tell us where you are (e.g., by allowing your mobile device to send us your location or by entering your city, state and/or zip code information), we may collect information about your location and use that information to provide you with location-based information, such as the location of

our restaurants near you. If you want to deactivate this feature, you can deactivate location services on your mobile device.

- **Store Preference Information.** Our online order services may allow you to store preferences such as your location, recent orders and favorite menu items in order to make it more convenient for you to place additional orders in the future.
- **Online Ordering Information.** When you order our Services online (e.g., menu items or gift cards), we will collect information to complete the transaction, including potentially: your name; email address; billing, shipping and delivery addresses; and payment information such as credit card number. We store this information (excluding credit card numbers) in order to make it easier for you to place orders in the future. We also collect information regarding the items you place in a basket and purchase, your time of visit and preferred store locations.
- **Feedback Information.** If you provide us feedback or contact us by email, we may collect your name and email address, as well as any other content included in the email, in order to send you a reply.
- **Sweepstakes/Contests.** Periodically, we will sponsor sweepstakes or contests. Links to those sweepstakes or contests may be included on our website. Various types of information may be collected as part of the sweepstakes or contests, including, for example, your name, email address and phone number. The specific rules posted with the particular sweepstakes or contests will apply to entrants and will supersede the privacy policy and terms and conditions posted on our websites.
- **Contact Us Link.** If you choose to contact us, we may collect your name, email address, postal address, telephone number, and the contents of your message. We use the information obtained when you contact us through the '[contact us](#)' link to process and respond to your suggestion or customer service request. We may respond to you by phone, email, or postal mail, depending on the information you choose to submit. We also will use this information to improve our Services. We also reserve the right to use your name and comments in our promotional material.
- **Application for Employment Information.** If you would like to become one of our employees, you may choose to submit an employment application online through the "[Careers](#)" link. The pages listing employment opportunities are operated by a third party partner. When you visit those pages, you are visiting a separate website and are subject to the terms and conditions and privacy policy of that site. Your application information, once delivered to us, is used only to process your employment request, which includes corresponding with you to make arrangements for your association with us or to notify you of the results of our review of your application. The information, which will be protected in accordance with our internal policies, may be printed and stored, and administrative personnel may review the information.

- **Other Information.** We also collect other types of personal information that you provide to us voluntarily, such as any information requested by us if you contact us by email regarding support for our Services.

In addition to information you provide us voluntarily, we collect certain information from you automatically when you access and use our Properties. For example:

- **Information Collected by Servers.** Our servers (which may be hosted by a third party service provider) collect information from you, including the referring/exit pages, your browser type, domain name, date/time stamp for your visit and your Internet Protocol (IP) address (a number that is automatically assigned to your computer or device when you use the Internet). We use this information for a variety of reasons, including to improve our Services to you, analyze trends and purchasing habits, administer the Properties and monitor for fraudulent activities.
- **Cookies.** We use cookies to collect information. A cookie is a small removable data file that is stored by your web browser on your computer. Cookies allow you to place an order on our websites and allow us to enhance and personalize your online browsing and shopping experience. For example, we use cookies to remember the items in your shopping cart and to recognize you when you return to our websites. You can choose to have your computer warn you each time a cookie is being sent or you can choose to turn off all cookies. You do this through your browser (e.g., Safari, Chrome or Internet Explorer) settings. If you turn cookies off, you will not have access to many features that make our websites more efficient and some of our Services will not function properly.
- **Mobile Services.** We may also collect non-personal information from your mobile device if you have downloaded an application of ours. We may use this information to help us deliver relevant information to you. Examples may include your geographic location, how you use the application(s), and information about the type of device you use.
- **Third Party Analytics.** We may use third party service providers to help analyze how users use the Properties. These providers typically use cookies to collect information such as how often users visit a website, what pages they visit and what other sites they used prior to coming to a site. We use this information to improve our Properties.
- **Third Party Links and Websites.** We may from time to time contract with advertisers or other third parties who place information, advertisements, or other promotional material or links on our websites. If you click on an advertisement or other link provided by a third party and leave our websites, whether through a link or through visiting another website framed within our sites, you are subject to the terms and conditions and privacy policies of these advertisers or other third parties. We do not have responsibility for or access to the information collected by these third parties.

3. HOW WE USE INFORMATION WE COLLECT

This section of our Policy describes in detail how we use the information that we collect. We describe below both how we use the information and with whom we share it.

How We Use Information

Generally, we use the information to respond to your requests as submitted through the Properties, to provide you the Services you request, or to assist us in serving you better. For example, we use the information to:

- Facilitate the creation of and secure your Account;
- Identify you as a user in our system;
- Provide improved administration of our websites and other Properties;
- Provide the Services, including, for example, to process, deliver and bill you for your menu item or gift card order;
- Improve the quality of experience when you interact with our websites, Services or other Properties;
- Send you a welcome e-mail to verify ownership of the e-mail address provided when your Account was created;
- Send you administrative e-mail notifications, such as security or support and maintenance advisories;
- Respond to your inquiries related to employment opportunities or other requests;
- Solicit your feedback; and
- Send push notifications, text messages, emails, newsletters, surveys, offers, and other promotional materials related to our Services and for other marketing purposes.

We may create anonymous information records from personal information by excluding information (such as your name) that make the information personally identifiable to you. We may use this anonymous information to analyze request patterns and usage patterns so that we may enhance our Services. We reserve the right to use and disclose anonymous information to third parties in its discretion.

Who May Receive Information

We may share the information we collect with our affiliated companies and with third parties that assist us with our Services and other Properties. These companies may assist us in such activities as processing menu orders, conducting sweepstakes and contests, promoting our Services through marketing and advertising, conducting quality assurance testing, providing technical support, running customer loyalty or

rewards programs and otherwise improving our third party service providers and other Properties.

For example, we use certain services provided by OLO Engage. (“Olo Engage”) to run a customer loyalty program and present special offers on our Properties. As part of these services, certain personal information you provide may be shared with Olo Engage (including, without limitation, your name, email address, payment information and/or information regarding the purchases you make with us). In connection with such services, Olo Engage may use this information as permitted by Olo Engage’s privacy policy (available at: <https://olo.com/privacy-notice>)

We also may share this information in connection with or during negotiation of any merger, financing, acquisition or dissolution transaction involving the sale, transfer, divestiture, or disclosure of all or a portion of our business or assets. In the event of an insolvency, bankruptcy, or receivership, your information may also be transferred as a business asset. If our company, business or assets are acquired by another company, that company will possess the information collected by us and it will assume the rights and obligations regarding your personal information as described in this Policy.

We further may share this information with law enforcement officials, or when we believe that we must do so to identify, contact or bring legal action against someone who may be violating our rights, or may be causing injury to or interfering with our or another's rights or property.

We further may share this information if we believe that disclosure is necessary: (a) to comply with relevant laws or to respond to subpoenas or warrants served on us; (b) to protect and defend our rights or property or the rights or property of others; (c) in connection with a legal investigation; and/or (d) to investigate or assist in preventing any violation or potential violation of the law, this Policy or other terms of use.

4. OUR COMMITMENT TO DATA SECURITY

The security of your personal information is important to us and so we employ reasonable and appropriate technical and organizational security procedures and processes designed to help protect against loss, misuse, and alteration of the personal information that we collect and process through the Properties. We further follow applicable laws and requirements to protect your information processed through the Properties. However, we unfortunately cannot guarantee 100% security for data collected or processed through the Properties. As a result, we do not ensure, warrant or guarantee the security or integrity of such information.

5. SPECIAL NOTICE TO CALIFORNIA CONSUMERS

California residents may request a list of certain third parties, if any, to which we have disclosed personally identifiable information about you for their own direct marketing purposes. You may make one request per calendar year. In your request, please attest to the fact that you are a California resident and provide a current California address for your response. To request this information, please contact us using the "[Contact Us](#)" link on our websites or at the address listed at the bottom of this Policy.

Currently, we do not honor “do-not-track” requests. However, you may find information on how to opt out of many websites by visiting Network Advertising Initiative (NAI) at <https://www.optout.networkadvertising.org>

6. SOCIAL NETWORKING SITES

The Services may allow users to access social networking sites (each, an "SNS") to interact with and share their experiences with the Services with friends. If you are not a registered user of the Services, you can create an Account by clicking on "Sign In" using Facebook or another SNS that we support, and then entering your SNS login credentials. In this case, we may receive information from Facebook or another SNS to make it easier for you to create an Account on the Properties and show our relevant content from your Facebook and SNS friends. Once you register on the Properties and connect with Facebook or another SNS, you will be able to post recent activity back to Facebook or the other SNS. Any information that we collect from your Facebook or other SNS account may depend on the privacy settings you have with that SNS, so please consult the SNS's privacy and data practices. You acknowledge and agree that you are solely responsible for your use of these third party SNSs and that it is your responsibility to review the terms of use and privacy policy of such SNSs. We and our affiliates and third party providers will not be liable for: (i) the availability or accuracy of such SNSs; (ii) the content, products or services on or availability of such SNSs; or (iii) your use of any such SNSs.

7. CHILDREN'S ONLINE PRIVACY PROTECTION ACT

Our Properties are not intended for children under 13 years of age. Consistent with this and the Children's Online Privacy Protection Act, we do not intend to, or knowingly, collect, use or disclose personal information from children under 13 years of age. If you are under 13 years of age, do not use or provide any information on the Properties. If it is determined that a child under the age of 13 has provided us with personal information, a parent or guardian of that child should contact us at the email address or phone number listed at the bottom of this Policy to delete this information from our records. We will use reasonable efforts to delete the child's personal information from our existing files.

8. CHANGING YOUR INFORMATION

If you would like to update the personal information provided to us, please contact us as indicated below. In addition, you may opt-out of receiving promotional emails by following the op-out instructions included with each email you receive.

9. CHANGES TO OUR PRIVACY POLICY

We reserve the right to change our Policy from time to time. Any changes to our Policy will be effective and applicable upon change of our Policy as accessible through our websites. The fact that there have been changes to this Policy will be reflected by the “Effective Date” as displayed at the bottom of this Policy. Your continued use of our websites or our Services or other Properties after we make changes is deemed to be an acceptance of those changes, so please check this Policy periodically for updates. This Policy shall be governed by the laws of the State of Massachusetts, USA.

10. HOW TO CONTACT US

For any other information or questions regarding our Properties or the information you have submitted to us through the Properties, please contact us as follows:

- Through the "[Contact Us](#)" link;
- By post, at O'Charley's Restaurants, LLC, 3038 Sidco Drive Nashville, TN, Attn: Guest Services.

Please also visit the terms and conditions that may from time to time be posted on our websites, as these explain other terms governing the use of our Properties.

Effective Date: March 28,2025