

Website Privacy Policy

Last updated: May 12, 2016

This privacy policy (the “Privacy Policy”) applies to this website and all services provided through this website, including any games or sweepstakes (collectively, the “Website”). 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 accepting our Privacy Policy and Website Terms and Conditions at www.americasbestracing.net, or on our page at www.facebook.com, 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, Omnigon Communications, LLC and Lightmaker USA Inc. to operate certain aspects of the Website on our behalf.

We own the information collected via the Website and we may use it for our own purposes, including marketing. Please note that this Privacy Policy applies only to information collected on the www.americasbestracing.net website.

If you access Our games or the Website 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, you signify your agreement to the terms of this Privacy Policy. We may amend this Privacy Policy at any time. If we make a material change to the way in which we collect, use and/or share your personal information, 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 about You Received from an SNS

When you access any TJC game through an SNS, such as Facebook (where the game may be referred to as an “application”), you allow TJC to access and import certain information from your profile for that SNS which may affect the privacy settings you establish on the SNS. You can find out more about the settings at the SNS. For example, TJC may access and store some or all of the following information depending on your settings and the SNS:

- your first and last name
- your profile picture or its URL
- your user ID number, which is linked to publicly available information such as name and profile photo
- the user ID numbers for your friends who are connected to our games
- the login email you provided to the SNS when you registered
- your physical location and that of your access device
- your gender
- your birthdate

By playing one of our games through an SNS, you are authorizing TJC to collect, store and use any information that the SNS provides to TJC through the SNS interface with TJC. You agree to this when you “accept or “allow” (or similar term) one of our applications on the SNS.

Information You Provide Us

In the course of using the Website, 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; demographic

information, such as your date of birth or age; and financial information, such as your credit card number or similar information.

We may also offer you the option to complete a user profile that is visible to other users of the Website. 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 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 Our games.

Information We Receive or Collect When You Access Our Games on a Mobile Device

If you play Our games on your mobile telephone or other mobile device, including iPads and tablets, We collect your mobile device identifier and IP Address. In certain games We will create and assign to your device an identifier that is similar to an account number. We may collect the name you have associated with your device, device type, telephone number, country and any other information you choose to provide, such as user name, character name, geo-location or e-mail address. We may also access your contacts to enable you to invite friends to join you in the games.

Payment Information

If you purchase a license to use in-game virtual currency or virtual items directly from TJC, We will collect the billing and financial information necessary to process your charges, which may include your postal and e-mail addresses. TJC may also receive the billing and payment information that you provide when your purchase is processed by another party, such as Facebook (for Facebook Credits). Our Website Terms and Conditions describe our policies and terms relating to our charges and payment practices. Please note that purchases of third party credits or currencies, like Facebook Credits, may also be subject to additional policies.

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 Usage Information

We may receive and store certain types of internet usage information whenever you visit the Website, 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, 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 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 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.

Games

When you register to play games on the Website, you may be asked to provide personally identifiable information. In addition, when you play Our games, TJC collects and stores certain information that you provide directly or through the SNS or other website offering Our games. We also collect information about your play and interaction with other players and the Website.

You may be able to take part in certain activities on the Website that give you the opportunity to communicate or share information with other users of the Website as well as TJC. We may record and store archives of these communications. You acknowledge and consent to the recording and storage of such communications.

Cookies

As with many websites, the Website uses 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 whenever your computer is used to visit the Website. Cookies also let Us know how many people visit the Website and where visitors go on the Website, 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 easier for you by saving information such as your passwords or preferences. By tracking how and when you use the Website, cookies help Us determine which areas are popular and which are not. Improvements and updates to the Website may be based on data obtained from cookies. Accepting cookies allows you, among other things, to personalize your experience on the Website. Cookies may also allow the Website 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, however, may not provide you with a personalized experience if you have disabled the use of cookies.

Flash LSOs

We may use local shared objects, also known as Flash cookies, to store your preferences such as volume control or display content based upon what you view on our site to personalize your visit. Third parties, with whom We may partner to provide certain features on Our site or to display advertising based upon your Web browsing activity, use Flash cookies to collect and store information. Flash cookies are different from browser cookies because of the amount of, type of, and how data is stored. Cookie management tools provided by your browser will not remove Flash cookies. To learn more about and how to manage settings for Flash cookies, you can visit adobe.com. Disabling cookies may affect features or functionality of the games.

Web Beacons and Other Tracking Technology

The Website 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, 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. We may combine this information with personally identifiable information We obtain from you directly on the Website or any other of Our other websites, or from third parties.

Click-stream data is information collected by Our computers when you request pages from the Website. 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, 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.

Transaction Information

If you conduct a financial or other transaction with the Website, such as purchase products or services offered on the Website, We will ask you to complete an order form that will request certain information from you, including contact information and financial information. We may also request demographic information. In some instances, We may direct you to a third party vendor site to collect this information from you directly. Even though the collection form may have the look and feel of Our Website, please be aware you will be giving your information directly to the third party vendor, and that in some instances such third party vendor's privacy policy will govern the collection of your personal information. Please reference the privacy policies available from these pages for any privacy related concerns.

We and/or Our vendor will use this information to complete the financial or other transaction that you have requested, i.e. to deliver the information, products or other services that you request or purchase and to invoice you.

4. HOW WE USE THE INFORMATION COLLECTED

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

- create your game account and allow play of a game;
- identify and suggest connections with other users of the Website;
- enable user to user communications;
- contact you about the Website, technical support or inquiries;
- provide you with services or information you have requested or products or services you have ordered;

- prevent fraud or potentially illegal activities and monitor and enforce Our Website Terms and Conditions;
- inform you of a prize you may have won;
- notify users of game or website updates;
- provide in-game leader boards and in-game player achievement announcements;
- monitor or improve the use of the Website 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.

5. SHARING YOUR INFORMATION

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

- **Friends and Other Players of the Games:** A game may support and encourage interaction among players. Your SNS friends may see your name, profile photo, descriptions of your game activity and game profile which may include your user ID numbers. Access to a user ID number may allow others to view public information associated with that number.
- **Agents:** We employ other businesses and individuals to perform functions on Our behalf. Examples may include fulfilling orders, 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 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 or Services Offered in Partnership with Third-Party(s):** Certain products and/or services available on the Website 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 and/or services. Such products and/or services will identify the third party partners at the point of registration. If you elect to register for such products and/or 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. and TJC Holdings, Inc.
- **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 or may use a traffic measurement service to analyze the traffic on the Website. 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 or 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 OTHER WEBSITES

You should be aware that when you are on the Website 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 onto a different website. This includes links from advertisers, sponsors and marketing partners that may use the Website's 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, 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. DATA RETENTION

TJC stores information about site visitors and players on servers located in the United States, and may also store such information on servers and equipment in other countries. Personal data collected within Switzerland and the European Economic Area (“EEA”) may be transferred to, and stored at, a destination outside of Switzerland and the EEA. The data We hold may also be processed by employees operating outside of Switzerland and the EEA who work for Us, one of our affiliates or one of our vendors. Such staff may be engaged in, among other things, (i) the processing of transactions and your payment details and (ii) the provision of support services. By submitting your personal data or playing TJC games, you agree to this transfer, storing or processing

9. CHAT ROOMS, FORUMS AND MESSAGE BOARDS

The Website and any mobile application may make chat rooms, forums, commenting and message boards available to you and other users from time to time. You are not required to provide any personal information when using these areas but you may choose to do so. If you post personal information online, it will be publicly available and you may receive unsolicited messages from other parties. In addition, when you post a comment to a mobile application, the user name with which you registered for the Website and your current location may be made publicly available on the Website and through the mobile application. By using the commenting features of the Website or mobile application, you acknowledge that your user name and location information will be disclosed. We cannot ensure the security of any information you choose to make public in a chat room, forum or message board. Also, We cannot ensure that parties who

have access to such publicly available information will respect your privacy. Please exercise caution when deciding to disclose personal information in these areas. To request removal of your personal information from any forum, contact us at americasbesttracing@jockeyclub.com. In some cases, We may not be able to remove your personal information, in which case We will let you know if We are unable to do so and why.

10. 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 games 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.

11. 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, 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, signing into your online account and making the desired changes, or via mail to: TJC Media Ventures, Inc., Attn: Web Administrator, 40 East 52nd Street, New York, New York 10022. We will respond to your request within ten business days of receiving your correspondence.

12. YOUR CALIFORNIA PRIVACY RIGHTS

California Civil Code Section 1798.83 permits customers of the Website 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 52nd Street, New York, New York 10022.

13. QUESTIONS ABOUT THIS PRIVACY POLICY

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

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