

Privacy Policy

The website www.totallistening.com (the "Website") is operated by Delaware North Companies, Inc., or its affiliate (collectively, "Delaware North"). Delaware North's online privacy policy tells you about the information Delaware North, its subsidiaries or affiliates collect through the services available on this Website and your participation in our market research surveys. In addition, it explains how we use that information and how you can opt out of certain uses of information we may collect. By participating in our surveys, providing your personal information and/or accessing our Website, you are consenting to the information collection and use practices described in this statement, as modified from time to time by us. If this privacy policy is not acceptable to you, please do not use this Website or provide your personal information. If we decide to materially change our privacy policy, we will post a new statement on our Website. Therefore, we encourage you to check the date of our privacy policy whenever you visit this Website for any updates or changes.

This Privacy Policy applies to this Website only and does not apply to information Delaware North or its subsidiaries or affiliates collect separately through their own websites, any transactions (online or otherwise) you complete with them, and in any other way, such as your participation in their customer surveys or joining of their email lists. For the privacy policies of those other websites, please see those websites for the policies that apply.

Information About You

We collect several types of information about you. We collect "personal information," which generally is information such as your first and last name, home address and email address that can be used to identify you individually. We also collect "non-personal information," which is information about you that does not itself identify you individually. Examples of non-personal information include age range and gender. We also collect "aggregate information," which is information that helps us understand how people use our Website or our services, for example, which pages are visited. The information we collect depends on what services you use on our Website or otherwise. The following is a more detailed explanation of these types of information as well as when and how we collect and use them.

Registration Data

When you register or join our customer panel on the Website, we may collect various kinds of personal information, including your first and last name and email address. We also collect and store access information related to your account, including user name and user password.

Surveys

From time to time we may post surveys on our Website or invite you to participate in other separate surveys. The surveys may request demographic information (such as age range, gender, areas of interest and familiarity with Delaware North or our products and services), your personal information, consumer preferences, and customer feedback. Participation in these requests is completely voluntary. With each request, you will have the choice of whether or not to disclose information. Such survey information will be used individually and in its aggregate to improve the overall experience on the Website, to improve the guest experience at one of our owned and/or operated locations, for market research purposes and to improve the goods and services that are offered to you.

Customer Service Correspondence

We may collect personal information that identifies you individually, such as your first and last name, home address, email address, phone number, fax number when you submit comments, questions or suggestions to our Corporate Communications Department.

Online Forums

Our Website may have chat rooms, discussion boards, online forums and other interactive technologies that allow

individual comments and messages to be tied to a user's name or email address. Any information you post in such forums is public information and Delaware North cannot control what uses third parties may make of personal information you share in such forums. You should exercise caution before disclosing personal information.

Use of Your Personal and Non-Personal Information

Except as disclosed in this privacy policy, we do not sell, rent, lease or disclose information that identifies you individually or makes it possible for other parties to contact you directly without your consent. Unless we have your permission or are required by law, we only share your personal information with other Delaware North entities and business partners who are acting on our behalf for the uses described below. Such Delaware North entities and business partners are bound by agreements requiring them to protect this data. We may, however, use, sell, disclose or otherwise dispose of personal information we collect in the following circumstances:

Data integrity

Delaware North processes personal information only for the purposes for which it was collected and in accordance with this privacy policy. We review our data collection, storage and processing practices to ensure that we only collect, store and process the personal information needed in connection with the uses set out in this privacy policy.

Internal Analysis

We may use information about you for statistical, design or operational purposes such as to estimate our audience size, to measure aggregate traffic patterns and/or to understand demographics, customer interest, consumer insights, purchasing and other trends among our users and customers. We may outsource all of these tasks to third parties on a confidential basis. We may use third party service providers for services relating to information technology, data processing and storage, market research and analysis, and conducting surveys. Our third party service providers may contact you directly on our behalf to conduct research or surveys. These third parties are contractually prohibited from using any personal information for their own marketing purposes.

If you do not want to receive promotional, market research or marketing materials from us or the third parties we have engaged, please send your opt-out request to aspence1@delawarenorth.com.

Offers from Subsidiaries and Affiliates

We may send you (or arrange to have sent to you) our (or our subsidiaries' and affiliates') marketing and promotional information. We do not share your personal information with unrelated outside third parties unless such disclosure is required for transaction processing as mentioned above. If you do not want to receive these materials, please email your opt-out request to webinfo@dncinc.com.

Legal Requirement

We may disclose personal information:

- (a) to conform with the law, respond to claims or comply with legal process served on Delaware North (e.g., a lawful subpoena, warrant or court order);
- (b) to enforce or apply our policies or agreements;
- (c) to protect and defend our or our users' rights or property, the Website, our employees, users or the public, including fraudulent, abusive or unlawful use of our Website; or
- (d) if we reasonably believe that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of communications or justifies disclosure of records without delay.

Choice

Delaware North will not use or share your personal information in ways unrelated to the uses described above

without first notifying you and offering a choice. We will also provide you the opportunity to opt-out at any time of certain or all contact from Delaware North. If you have any difficulty exercising your choices, please send your request to aspence1@delawarenorth.com.

Company Sale

Information collected through our Website is considered a trade secret of Delaware North. As the owner of such information, we may disclose or sell such information as an asset of the company in conjunction with the sale to a third party of our company or a portion of our assets.

Aggregate Information

We collect aggregate information about you and your use of our Website whenever you visit us online (See "Information About You" above). For instance, we may collect various forms of "click stream" information such as entry and exit points for our Website (i.e., referring URLs or domains), site traffic statistics, page views, impressions, and operating system and browser type. In addition, when you request pages on our Website, our servers automatically log your IP addresses. An IP address is a number that is automatically assigned to your computer whenever you are surfing the internet.

This aggregate information generally will not identify you or be correlated to you individually for external purposes. We may collect, compile, store, publish, promote, report, or otherwise disclose or use any and all aggregate information, provided that such information does not reveal your identity. When we share such information with other companies, it is not traceable to any particular user, and will not be used to contact you. If we do correlate any aggregate information to you, such information will be treated like any other personal information under this statement.

Cookies

We use browser-based "cookie" technology, users' IP addresses and similar technologies to optimize and enhance your online experience on our Website. "Cookies" are pieces of information stored within your computer's or device's Internet browser that automatically identify your browser to our server whenever you interact with the Website. Such technology is a common feature of many Websites and is necessary in order for certain features of our site to function properly or in order to provide an online service to you. We also use cookies to help us understand the content that you are shown while visiting our Website. We may combine information which we obtain through the use of cookies with other information, including a unique identifier we have assigned to you, or with information we obtain from third party sources. You may customize the browser settings to notify you when a cookie is sent or to disable cookies altogether. Please check the Help feature on your browser for instructions on how to make these adjustments. Because cookies allow you to take advantage of some of the Website's essential features, we recommend that you allow them on your browser. If you block or otherwise disable cookies, you will not be able to hold selections in a shopping cart when you leave our Website without checking out, or use any services on our Website that require you to sign in.

Links to Other Sites

Please be aware that we provide links to third-party Websites, and that we are not responsible for the content or information collection practices of those pages. Please note that these Websites' privacy policies may differ from those of Delaware North. We encourage you to review and understand their privacy practices before providing them with information.

Children

Our Website is intended for a general audience. However, it is not designed nor intended to collect personal information from children under the age of 13. To respect the privacy of children and to comply with the Children's

Online Privacy Protection Act, children under the age of 13 should not provide any personal information on this Website. We ask that parents supervise their children while online.

Security

Delaware North is committed to safeguarding and securing your personal information. To maintain data accuracy, prevent unauthorized access to or disclosure of, and ensure the appropriate use of your personal information, we have put in place physical, electronic and managerial procedures. When we ask for personal information, it is transferred over a Secured Sockets Layer (SSL) line provided you are using an SSL-enabled browser such as Microsoft Internet Explorer. This ensures that your information is encrypted as it travels through the Internet. This secure mode is enabled before any such information is transmitted from your computer. You will know that you are in "secure mode" when the padlock or key icon in the lower-right-hand or lower-left-hand corner of the computer screen appears in the locked position. In addition, when accessing a secure server, the first characters of the Website address will change from "http" to "https."

Opting Out of Future Market Research

As noted above, we may use your email address and other contact information provided to us through the Website to send additional market research materials to you. If you do not want to receive such information, you can change preference and remove yourself from our market research panel at any time.

Access and Accuracy

Delaware North strives to keep your personal information accurate. We will provide you with access to your personal information, including making reasonable efforts to provide you with online access to your data so that you may review, update or correct your information at the Site. To protect your privacy and security, we will also take reasonable steps to verify your identity before granting you access or enabling you to make corrections. To access your personal information, return to the web page where you originally entered the Site and follow the instructions on that web page. If you cannot access your information on the web page, please telephone us at (716) 858-5000 for assistance, or send you request to aspence1@delawarenorth.com. We may decline to process requests that are unreasonably repetitive or systematic, require disproportionate technical effort, jeopardize the privacy of others, would be extremely impractical or for which access is not otherwise required.

If you would like to change or delete your information you have provided us, please email us at aspence1@delawarenorth.com or telephone us at (716) 858-5000 as ask for Corporate Communications.

Notwithstanding any preference that you select, we may contact you from time to time to provide services that you have requested or for customer service matters, such as responding to service-related inquiries, updating our policies or notifying you of changes to existing services.

If you have any questions about this Privacy Policy or our use of your information, or if you need help changing or deleting your information, you can email us at aspence1@delawarenorth.com or send a letter to:

Delaware North Companies, Inc. 40 Fountain
Plaza
Buffalo, NY14202
ATTN: Corporate Communications

Effective Date October 9, 2014

California Privacy Policy

As a California resident you have the legal right to request from businesses with whom you have an established business relationship, (1) a list of the categories of personal information, such as your name, address, email address and the type of services provided to the customer, that a business has disclosed to third parties (including affiliates that are separate legal entities) during the immediately preceding calendar year for the third parties' direct marketing purposes, and (2) the names and addresses of all such third parties. To request the above information, please email webinfo@dncinc.com, or mail your written request to Delaware North Companies, Inc., 40 Fountain Plaza, Buffalo, New York 14202, Attn: Corporate Communications, with a reference to California Disclosure Information.