



## DRAFTKINGS INC.

### PRIVACY AND DATA PROTECTION NOTICE

DraftKings Inc. is committed to protecting the privacy and security of your personal information. This Privacy and Data Protection Notice ("**Notice**") provides details about how your personal information will be collected and processed by DraftKings Inc. or, as relevant, the particular company named in any applicable employment or other contract such as one of the EU affiliates/subsidiaries listed in **Appendix 1 (EU Group Companies)** of this Notice (collectively, "**DraftKings**," "**we**," "**us**," or "**our**").

For purposes of this Notice, we will be a "*data controller*" within the meaning of the GDPR. This means that we are responsible for deciding how we hold and use personal information about you. This Notice details how we collect and use personal information about you as part of our recruitment process, and during and after your working relationship with us, if any, in accordance with the GDPR.

For the purposes of this Notice:

**GDPR** means the General Data Protection Regulation (EU 2016/679) and any national implementing laws, as amended or updated from time to time;

**Group Company** means a company which is a Subsidiary of DraftKings Inc. (and for this purpose **Subsidiary** has the meaning given to it respectively in sections 7 and 8 of the Companies Act of 2014).

**Personal Data** is defined as any information relating to a living individual from whom that individual can be identified directly from that data or indirectly in conjunction with other information. It does not include data where the identity has been removed (anonymous data). We will collect, hold and use the following categories of Personal Data about you as set out in **Section 2 (Information we may collect from you)** of this Notice.

**Please read the following carefully to understand how and why we are using such information and what your rights are under the applicable data protection legislation.**

#### 1. Scope

This Notice applies to you whether you are a prospective, current or former employee, partner, worker, intern, agency worker, consultant, individual contractor, officer or director of DraftKings. It also applies to third parties whose information you provide to us, e.g., emergency contacts, pension beneficiaries, dependents, etc.

Where we refer to '*employee personal data*' or '*employment*' in this Notice we do so for convenience only and this should in no way be interpreted as purporting to confer employment status on non-employees to whom this Notice also applies. This Notice does not form part of any contract of employment and does not confer any contractual rights on you or place any contractual obligations on us.

This Notice applies to all personal data collected, maintained, transmitted, stored, retained, or otherwise used (i.e., processed) by DraftKings regardless of the media on which that personal data is stored. We may update this Notice at any time and will notify you in writing of any changes as soon as reasonably practical.

#### **Data Protection Principles**

DraftKings is committed to complying with the GDPR. Any personal information that we hold about you must be:

1. Used lawfully, fairly and in a transparent way;
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
3. Relevant to the purposes that we have told you about and limited only to those purposes;

4. Accurate and kept up to date;
5. Kept only as long as necessary for the purposes we have told you about; and
6. Kept securely.

## 2. Information We May Collect From You

The type of information we collect is set out in **Appendix 2 (Personal Data Collected)** of this Notice.

If you fail to provide certain information when requested, we may not be able to successfully operate our recruitment process or perform a contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

**Note:** If you provide us with personal data or special categories personal data relating to other people you must first: (a) inform the person about the content of this Privacy Notice; and (b) obtain any legally required consent from that person to the sharing of their personal data or special categories personal data in this manner.

Information about you from other sources: We may obtain personal information about you from third-party websites. Information from third-party websites may consist of the profile details you have provided to such third-party websites (e.g., the information contained in your LinkedIn profile). This may include your email address, among other information. If you elect to use any third-party websites, you should review their privacy policies with respect to any information that may be transferred to or obtained by us, to ensure those policies do not conflict with your expectations about the privacy of your data.

## 3. Purposes and Bases for Processing

We will only use your personal data for the purposes and legal bases set out in the table below:

Purpose(s) for Processing	Legal Basis for Processing
<ul style="list-style-type: none"> <li>➤ Recruitment/appointment including assessing your job application; and</li> <li>➤ Contacting job applicants in connection with future job opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>➤ We will obtain your consent for the processing of your personal data as part of our recruitment process and for the purposes of contacting you in relation to future job opportunities as further detailed in <b>Section 9 (Data Retention)</b>.</li> <li>➤ <b>You can withdraw your consent at any time by contacting Ethan Park or Jennifer Aguiar (whose contact details are available in the Section 11 (see Further Information below)). More detailed information on your right to withdraw consent is provided in Section 10 (Your Data Rights).</b></li> </ul>
<ul style="list-style-type: none"> <li>➤ Providing you with building and IT access;</li> <li>➤ Payroll and finance including paying salary, reimbursing expenses and other payments;</li> <li>➤ Keeping attendance and working time records;</li> <li>➤ Performance appraisals and management of performance;</li> <li>➤ Benefit payments and administration; and</li> <li>➤ Administering employment termination.</li> </ul>	<p>This processing of your data is necessary to process job applications submitted by, or on your behalf, and for <b>performance of your contract</b> of employment (or engagement).</p>

<ul style="list-style-type: none"> <li>➤ Contacting potential job applicants in connection with future job opportunities and related information in connection with our business.</li> <li>➤ Monitoring and promotion of equal opportunities, including the review of gender breakdown and progression;</li> <li>➤ Monitoring use of IT and communications in accordance with our IT, email and internet policy;</li> <li>➤ Provision of references;</li> <li>➤ Investigating and responding to complaints from personnel, clients, business partners, regulators;</li> <li>➤ Maintaining emergency contact details; and</li> <li>➤ Exercising our right to conduct legal proceedings.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Having conducted a legitimate interests assessment (<b>LIA</b>), the processing of your data is necessary for our <b>legitimate business interest</b> in managing our business operations, including legal, personnel, administrative and management purposes and for the prevention and detection of crime, provided our interest is not overridden by your interest.</li> <li>➤ <b>Please note that you have a right to object to processing of your personal data where that processing is carried on for our legitimate interest.</b></li> <li>➤ <b>Where we rely on our "legitimate interest" as a reason for processing personal data, we have considered whether those interests are overridden by employees' rights and freedoms and have concluded that they are not.</b></li> <li>➤ You have a right to request information on the LIA we use.</li> </ul>
<ul style="list-style-type: none"> <li>➤ Managing health and safety at work and incident reporting;</li> <li>➤ Compliance with our regulatory (for example disclosing tax data to the office of the revenue commissioners) and professional requirements; and</li> <li>➤ Exercising our right to defend, respond or conduct legal proceedings.</li> </ul>	<ul style="list-style-type: none"> <li>➤ This processing of your data is necessary in order for us <b>to comply with any legal or regulatory obligations.</b></li> </ul>

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with this Notice, where this is required or permitted by law.

#### **4. Special Categories of Personal Data**

Certain categories of your personal data are regarded as 'special' including information relating to an individual's:

- Physical or mental health, including any medical condition, health and sickness records;
- Religious, philosophical or political beliefs;
- Trade union membership;
- Ethnic or racial origin;
- Sexual orientation;
- Biometric or genetic data; and
- Criminal convictions and offences.

We only process such data where necessary for the purpose of carrying out the obligations, and exercising specific rights, of DraftKings or of an employee under employment law or for the assessment of your working capacity.

We will only process data relating to your criminal convictions or involvement in criminal proceedings when permitted by law, or where provided voluntarily by you.

## **5. Consent**

In principle, we generally do not rely on your consent for data use aside from as part of our recruitment process. We may from time to time, (i) ask for your consent to use your personal data for a specific purpose; and/or (ii) process your personal data (including special categories of data) in order to protect your vital interests or the interests of another. If we do so, we will provide you with full details of the data that we would like and the reason we need it so you can carefully consider whether you wish to consent. We will also inform you about the fact that you can revoke your consent at any time and how you should do that.

Please be assured that withholding your consent will never have an impact on your employment with us or otherwise negatively affect you.

## **6. Security and Storage of Personal Data**

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We securely store your personal data in a centralised database, with controlled access to such database. Access to personal data (including special data) in both electronic and paper form is restricted to limited authorised personnel and employees who have a legitimate and justifiable reason to view such data.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **7. Recipients of Your Personal Data**

We may disclose your personal data to a Group Company including, without limitation, for the following reasons: in order to run global processes, carry out group wide reporting, or take decisions about hiring or promotion.

It may be necessary from time to time for us to disclose personal data to third parties or agents, including without limitation to the following:

- Third parties to assist in the administration, processing and management of certain activities pertaining to past, current and prospective employees;
- Individuals or companies employed by DraftKings Inc. to carry out specific services, functions or consultancy work including external reference agencies and other financial institutions;
- Relatives or legal representatives of past, current and prospective employees;
- Regulatory, legal, and judicial bodies and authorities to whom we are obliged or required to disclose information including, without limitation, Workplace Relations Commission, Courts, Court-appointed persons and arbitrators;
- Insurance or assurance companies and health insurance providers or trade unions;
- Legal and medical practitioners;
- Payroll and employee benefit service providers;
- Pension providers;
- Potential purchasers or bidders;
- Relevant Government departments and agencies; and
- Other support service providers necessary to assist DraftKings Inc. with the above or with its business or personnel operations.

We will inform you in advance if we intend to further process or disclose your personal data for a purpose other than the purposes set out above. We take all reasonable steps, as required by law, to ensure the safety, privacy and integrity of such data and information and, where appropriate, enter into contracts with such third parties to protect the privacy and integrity of such data and any information supplied.

**8. Transfer of Personal Data outside the EEA**

The personal data that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area (**EEA**), for the purposes described above. Due to the global nature of our business, your personal data may be disclosed to Group Companies outside the EEA. It may also be processed by personnel operating outside the EEA who work for us or for one of our suppliers who act on our behalf.

We will ensure suitable safeguards are in place to protect the privacy and integrity of your personal data in such circumstances including standard contractual clauses under Article 46.2 or an adequacy decision under Article 45 of the GDPR. You can obtain information and a copy of documentation pertaining to these safeguards by contacting Ethan Park or Jennifer Aguiar (whose contact details are available in the Further Information section below).

**9. Data Retention**

**Unsuccessful Candidates:**

We retain the personal data of unsuccessful candidates for 2 years following the conclusion of our recruitment process on the basis of consent – this may include documents relevant to the recruitment process including interview feedback – unless you indicate that you would like us to retain such information for a longer period. Unsuccessful candidates have a right to withdraw this consent at any time as further detailed in **Section 10 (Your Data Rights)**.

The personal data of unsuccessful candidates will be held in any event for at least 12 months following the conclusion of our recruitment process in all cases for the purposes of defending any potential claims that could accrue under relevant employment and discrimination legislation including but not limited to the Employment Equality Acts 1998 to 2015.

**Successful Candidates:**

With respect to successful candidates and employees of DraftKings, we retain your data for the duration of your employment with us and for 7 years following the termination of your employment with us (for any reason). However, as there are additional statutory retention periods that may apply in respect of certain documents, we provide all employees of DraftKings with a copy of our Data Retention Policy.

Our retention practices are reviewed and updated from time to time in line with legal requirements and best practice.

**10. Your Data Rights**

You have several rights in relation to your personal data under applicable privacy and data protection law, which may be subject to certain limitations and restrictions such as when the processing of your data is necessary to comply with a legal obligation or for the exercise or defence of legal claims.

Under certain circumstances, by law you have the right to:

Your Right	What this Means
<b>Right to Withdraw Consent</b>	If we are processing your personal data on the legal basis of consent, you are entitled to withdraw your consent at any time (see Further Information below).

	<p>However, the withdrawal of your consent will not invalidate any processing we carried out prior to your withdrawal and based on your consent.</p>
<b>Right of Access</b>	<p>You can request a copy of the personal data we hold about you (a data subject access request).</p>
<b>Right to Rectification</b>	<p>You have the right to request that we correct any inaccuracies in the personal data we hold about you and complete any personal data where this is incomplete.</p>
<b>Right to Erasure ('Right to be Forgotten')</b>	<p>You have the right to request that your personal data be deleted in certain circumstances including:</p> <ul style="list-style-type: none"> <li>• The personal data is no longer needed for the purpose for which it was collected;</li> <li>• You withdraw your consent (where the processing was based on consent);</li> <li>• You object to the processing and there are no overriding legitimate grounds justifying us in processing the personal data (see Right to Object below);</li> <li>• The personal data has been unlawfully processed; or</li> <li>• To comply with a legal obligation.</li> </ul> <p>However, this right does not apply where, for example, the processing is necessary:</p> <ul style="list-style-type: none"> <li>• To comply with a legal obligation; or</li> <li>• For the establishment, exercise or defense of legal claims.</li> </ul>
<b>Right to Restriction of Processing</b>	<p>You can ask that we restrict your personal data (i.e., keep but not use) where:</p> <ul style="list-style-type: none"> <li>• The accuracy of the personal data is contested;</li> <li>• The processing is unlawful, but you do not want it erased;</li> <li>• We no longer need the personal data, but you require it for the establishment, exercise or defence of legal claims; or</li> </ul> <p>We can continue to use your personal data:</p> <ul style="list-style-type: none"> <li>• Where we have your consent to do so;</li> <li>• For the establishment, exercise or defence of legal claims;</li> <li>• To protect the rights of another; or</li> <li>• For reasons of important public interest.</li> </ul>
<b>Right to Data Portability</b>	<p>Where you have provided personal data to us, you have a right to receive such personal data back in a structured, commonly-used and machine-readable format, and to have those data transmitted to a third-party data controller without hindrance but in each case only where:</p> <ul style="list-style-type: none"> <li>• The processing is carried out by automated means; and</li> <li>• The processing is based on your consent or on the performance of a contract with you.</li> </ul>
<b>Right to Object</b>	<p>You have a right to object to the processing of your personal data in those cases where we are processing your personal data in reliance on our legitimate interests. In such a case we will stop processing your personal data unless we can demonstrate compelling legitimate interests which override your interests and you have a right to request information on the balancing test we have carried out. You also have the right to object where we are processing your personal data for direct marketing purposes.</p>
<b>Right to Complain</b>	<p>You have the right to lodge a complaint with your local supervisory authority, the Data Protection Commission (21 Fitzwilliam Square South, Dublin 2, D02 RD28, Ireland) if you consider that the processing of your personal data infringes the GDPR.</p> <p>The Data Protection Commission can also be contacted at <a href="mailto:info@dataprotection.ie">info@dataprotection.ie</a></p>

If you wish to exercise any of your rights in this regard please contact Ethan Park or Jennifer Aguiar (whose contact details are set forth below). We will respond to your request as soon as practicable. We may request proof of identification to verify your request.

We will respond to any valid requests within one month, unless it is particularly complicated or you have made repeated requests in which case we will respond, at the latest, within three months. We will inform you of any such extension within one month of receipt of your request, together with the reasons for the delay. You will not be charged a fee to exercise any of your rights unless your request is clearly unfounded, repetitive or excessive, in which case we will charge a reasonable fee in the circumstances or refuse to act on the request.

#### **11. Further Information**

If you require any further clarification regarding this Notice or wish to contact DraftKings about the foregoing, please contact Ethan Park, Senior Manager, Compliance at [ethanpark@draftkings.com](mailto:ethanpark@draftkings.com); Jennifer Aguiar, Vice President, Compliance and Risk at [jenaguiar@draftkings.com](mailto:jenaguiar@draftkings.com); or [privacy@draftkings.com](mailto:privacy@draftkings.com).

Last updated: April 16, 2020

## **APPENDIX 1**

### **EU GROUP COMPANIES**

Affiliates or subsidiaries of DraftKings include:

- Crown Gaming Ireland Limited, an Irish registered company
- Crown DFS Malta Limited, a Malta registered company



## APPENDIX 2

### PERSONAL DATA COLLECTED

#### Part 1 - General Personal Data

- **Personal**- contact/identifying details including name, address, email address, date of birth, photograph, civil status, gender, nationality, domestic partners, dependents;
- **Emergency Contact** - name and contact details of emergency contacts (as set out above, you must provide a copy of this Notice to any third parties whose personal data you provide to us);
- **Professional** - Curriculum Vitae and/or application form, previous employment background, references from previous employers, record of interview/interview notes, selection and verification records, educational details, professional and/or academic transcripts, professional certifications, special skills including (driver) licenses, language skills, memberships of committees or other bodies;
- **Financial** - salary and benefit details including bank details, PPS number, tax information;
- **Employment** - work contact details (corporate email address and telephone number), identification number, photograph, details regarding the job function, primary work location, working hours, employment status, your terms and conditions of employment or engagement, contract of employment, signed confidentiality agreement, immigration status, work permit details, job description, history and details of current position;
- **Premises and IT access** - information required to access DraftKings' systems and applications such as email account and system passwords, login and access records, download and print records, call recordings, records of email and internet usage in accordance with our email and internet policy, CCTV images captured through the legitimate use of CCTV within the premises of the Group Company;
- **Fees, remuneration and benefits** – fees/payment and benefits package, base salary, bonus, compensation type, long term incentives, pension scheme, PRSA, health insurance scheme (and any third party beneficiaries, including family members or dependents), DraftKings' credit card data, salary reviews;
- **Leave** - including documentation which may be provided in connection with any statutory leave, sick leave, holiday and family related leave records, garden leave, and any other type of leave;
- **Performance management** - performance assessments/meetings (including probationary assessments), colleague and manager feedback, appraisals, outputs from talent programs and formal and informal performance management processes;
- **Training and development** - such as data relating to training and development needs or training received;
- **Disciplinary and grievance** - such as any personal data contained in records of allegations, investigation and proceeding records and outcomes;
- **General correspondence/meetings** - relating to grievance and/or disciplinary processes, misconduct or performance issues, data arising in connection with litigation and complaints, involvement in incident reporting and disclosures;
- **Termination** - for example, dates and reason for leaving, termination agreements and payments, exit interviews and references;
- **Incapacity/Disability** - any accommodations or adjustments in connection with any incapacity/disability; and
- Statements concerning securities trading and equitable or beneficial interests, including information relating to family members and other accounts under employees' control and details relating to shares of stock or directorships;

## **Part 2 - Special Categories of Personal Data**

We may also collect, hold and use the following "special categories" of more sensitive personal information:

- **Physical or mental health data** - such as information about your physical or mental health or condition; for example, we record your days of sickness, or workplace adjustments due to health reasons.
- **Other special categories of personal data** - such as racial or ethnic origin; commission or alleged commission of any offence; and any proceedings for any offence committed or alleged to have been committed, the disposal of those proceedings or the sentence of any court in those proceedings.

Special categories of personal data will only be collected and used in so far as such is necessary for the purposes of carrying out an obligation in the field of employment/social security/social protection law, or exercising specific rights or when the use is authorized by law or for the assessment of working capacity.