



DRAFTKINGS INC.

PRIVACY NOTICE FOR CALIFORNIA PERSONNEL

DraftKings Inc. ("**DraftKings**," "**we**," "**us**," or "**our**") is committed to protecting the privacy and security of your personal information. We have prepared this Privacy Notice for California Residents ("**Notice**") to explain how we collect, use, and share information from job applicants, employees, contractors, officers, directors, and owners of DraftKings residing in California. This Notice provides details about how your personal information will be collected and the purposes for which it will be used. This Notice supplements the information contained in our Information Security Policies and Privacy Notice located at <https://www.draftkings.com/help/privacy/us>.

Please read the following carefully to understand how and why we are using your Personal Information. And please be advised that, if you decline to provide requested Personal Information, DraftKings may not be able to provide you with its services and opportunities.

TABLE OF CONTENTS

1. SCOPE OF THIS PRIVACY NOTICE
2. PERSONAL INFORMATION WE COLLECT
3. USE OF PERSONAL INFORMATION
4. UPDATES TO THIS PRIVACY NOTICE
5. HOW TO CONTACT US

1. SCOPE OF THIS PRIVACY NOTICE

This Notice applies to California residents who are current or prospective employees, contractors, officers, directors, or owners of DraftKings ("**you**" or "**California Personnel**"). Where we refer to "employee(s)" or "employment" or "personnel" in this Notice we do so for convenience only. This Notice should in not be interpreted as purporting to confer employment status on any 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 impose any contractual obligations on DraftKings. This Notice applies to Personal Information collected, maintained, transmitted, stored, retained, or otherwise used or processed by DraftKings, regardless of the media on which that information is stored. For purposes of this Notice "**CCPA**" refers to the California Consumer Privacy Act of 2018 and its implementing regulations, as amended from time to time.

2. PERSONAL INFORMATION WE COLLECT

In order to operate our recruitment process, manage the performance, health and safety of DraftKings employees, administer employee benefits and payroll, comply with our legal obligations, and successfully operate DraftKings' business, we need to collect certain Personal Information about you. For purposes of this Notice, "**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 consumer or household. Personal Information does not include publicly available information obtained from government records or de-identified or aggregated information.

Within the preceding twelve (12) months, DraftKings may have collected the following categories of Personal Information from California Personnel:

- **Personal Details** – contact and identifying details including name, signature, address, email address, date of birth, photograph, marital status, veteran or military status, gender, nationality, citizenship, visa status, information on dependents, Social Security Number, driver's license or government identification card number, passport number, and images of government identification documents.
- **Emergency Contact** - name and contact information of your emergency contacts (who you should provide with a copy of this Notice);

- **Professional** – resume, Curriculum Vitae and/or employment application form, job history and prior employment background data, references from previous employers, interview records, selection and verification records, educational details, professional and/or academic transcripts, professional certifications, license documents, training documentation, background check information, language other special skills, memberships with committees and governmental and non-governmental bodies;
- **Financial and Benefits** – salary, compensation and benefits details, long-term incentives, insurance information, bank and financial account numbers, tax information, withholding and retirement account information, investment account details, pension information, compensation review records, information on personal property, assets and liabilities, student loans details, statements concerning securities trading and equitable or beneficial interests, including information relating to family members and other accounts under your control, details relating to shares of stock or directorships; and information on legal issues, including but not limited to wage garnishment, child support, and alimony;
- **Employment** - work contact details including corporate email address(es), performance reviews and evaluations, details regarding your job function, work location, working hours, employment status, details on the conditions of employment or engagement, contract or consulting agreement, signed confidentiality and/or non-disclosure agreement(s), professional photograph, immigration documents, work permit details, job description, history and details of your current and former positions, email and other electronic correspondence communicated to DraftKings;
- **Premises and IT Access** - information required to use DraftKings' systems and applications such as email account and system passwords, login and access records and credentials, download and print records, call recordings, records of email or other electronic communications and internet usage in accordance with our email and internet policies, browser and search history, IP address, cookie data, device identifiers, video or other images captured through legitimate use of CCTV at the premises of DraftKings and its corporate affiliates;
- **Performance Management** - performance assessment and meeting records (including probationary assessments), colleague and manager feedback, periodic achievement reports, and records of formal and informal performance management processes;
- **Training and Development** - data relating to professional training and development needs or training received or requested;
- **Disciplinary and Grievance** - personal data contained in or pertaining to any records of any allegation, investigation, proceeding and/or outcome concerning your relationship with DraftKings, including but not limited to grievance and disciplinary processes, misconduct and performance issues, litigation and complaints, incident reporting and disclosures;
- **Termination Details** – data concerning the dates and reason for leaving DraftKings and/or prior employers, termination agreements and payments, exit interviews and references, and non-competition and non-solicitation agreements;
- **Incapacity/Disability** – information regarding any accommodations or adjustments in connection with any incapacity/disability; and
- **Medical History** - information about your physical, mental, and/or behavioural health condition – for example, disability status, pregnancy and childbirth status, and records of your sick days or workplace adjustments due to health reasons; and
- **Biometric Information** – biometric identifiers such as fingerprints, that we may be required to collect for legal purposes, including licensing with regulators.

DraftKings collects the foregoing categories of Personal Information from the following categories or sources:

- Directly or indirectly from you or your agent and/or the documents and communications you or your agent provide to us either during or prior to your employment, contractual, or other relationship with DraftKings.
- Directly from service providers that assist DraftKings in conducting its business and internal operations, including applicant tracking and employee management system providers, recruiting, onboarding and training service providers, payroll, health insurance, employee benefits, tax filing, background check, organizational charting service providers to which you provided your information.

3. USE OF PERSONAL INFORMATION

DraftKings may use your Personal Information for the following purposes:

- Recruiting and job placement, including assessing your job application, background, and suitability to work for DraftKings;
- Contacting job applicants in connection with current or future job opportunities;
- Managing the health and safety DraftKings personnel, conducting incident reporting, and maintaining emergency contact details;
- Providing you with building and IT access and ensuring employee, premises, and IT security;
- Managing payroll, tax, and other finance matters, including paying salary, managing tax withholding and reporting, reimbursing expenses, and processing other payments;
- Administering health, life and disability insurance benefits, 401(k) and retirement plans, personal leave programs, wellness initiatives, and other benefits programs;
- Managing employee and contractor performance of work duties, including relevant achievements, training, development, skills, shortcomings, and discipline;
- Keeping attendance, working time, and performance records;
- Developing and reviewing performance evaluations and managing work performance;
- Administering employment termination and related matters;
- Monitoring and promotion of equal opportunities and analyzing individual progression;
- Providing IT services and monitoring use of IT equipment and electronic communications in accordance with our Information Security Policies;
- Identifying, preventing, remedying, and reporting IT security issues and any harmful or illegal activity related to DraftKings' offices, personnel, websites, applications, and services;
- Correcting or debugging errors in DraftKings IT systems and equipment and maintaining backup and archival systems for record retention and disaster recovery purposes;
- Creating and maintaining directories of DraftKings personnel;
- Providing references and analyzing your suitability for various job positions;
- Investigating and responding to complaints from personnel, clients, business partners, regulators and other authorities;
- Exercising our right to defend, respond to, and conduct legal proceedings;
- Asserting our legal rights and complying with our legal obligations, including laws requiring us to retain records for certain periods of time;
- Complying with our regulatory, commercial, and professional requirements – for example, providing information properly requested by auditors and legal advisors, disclosing tax and other legally-required data to relevant government agencies, and satisfying the licensing requirements of state and other regulators; and
- In connection with or during negotiation of any merger, financing, acquisition, corporate divestiture, dissolution transaction, or other proceeding involving the sale, transfer, divestiture or disclosure of all or a portion of our business or assets.

Please be advised that we will only use your Personal Information for the purposes for which we collected it, unless we reasonably conclude that we need to use it for another reason and that reason is compatible with the original purpose. Please also note that we may process your personal information without your knowledge or consent, in compliance with this Notice, where such processing is required or permitted by law.

From time to time, it may also be necessary for us to disclose your Personal Information to third parties (e.g., service providers) or agents, including the following categories of recipients:

- Third parties needed to assist in the administration, processing and management of activities and operations pertaining to former, current and prospective employees and contractors, including applicant tracking and management service providers and employment-related software providers;
- Individuals or companies employed by DraftKings to carry out specific services, functions or consultancy work including external reference agencies, financial institutions, and benefits administration providers;

- Relatives or legal representatives of former, current, and prospective employees, including beneficiaries;
- Regulatory, legal, and judicial bodies and authorities to whom we are obligated or required to disclose information, including, without limitation, tax authorities, state, federal, and international regulators, Workplace Relations Commission, Courts, Court-appointed persons and arbitrators;
- Insurance or assurance companies, health insurance providers or trade unions, and payroll and employee benefit service providers;
- Legal and medical practitioners and potential purchasers, bidders, and targets in connection with negotiated or contemplated mergers and acquisitions;
- Relevant government departments, agencies, and authorities; and
- Other support service providers necessary to assist DraftKings 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 Information 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, confidentiality, and integrity of such data and any information supplied.

4. UPDATES TO THIS PRIVACY NOTICE

This Notice may be revised or updated periodically. If we make any material changes in the way we use your Personal Information, we will notify you. Unless specified otherwise, any future changes to this Notice will be effective immediately upon notice delivered to you via email or upon your acknowledgement and consent. Please note that, at all times, you are responsible for updating your Personal Information to provide us with your most current email address. If the last email address you provided is not valid, or for any reason is not capable of delivering notifications to you, then, in the event we choose to provide you notice via email, our dispatch of the email will constitute effective notification of the changes described in the revised Notice. If you do not wish to permit changes in our use of your Personal Information, you must notify us. Your continued use of DraftKings website, application(s), services, premises, or equipment following notice of such changes will indicate your acknowledgement of and consent to such changes and to be bound by the terms of such changes, with the understanding that the modified terms apply to all of your Personal Information, including the Personal Information collected before the change went into effect.

5. HOW TO CONTACT US

If you require any further clarification regarding this Notice or wish to contact DraftKings about the foregoing, please contact us at privacy@draftkings.com or submit a privacy request through the Contact Us web form located at <https://www.draftkings.com/help/contact-us>. Thank you.

Dated: April 7, 2020