



PRIVACY NOTICE

Effective: July 1, 2021

OUR COMMITMENT TO PRIVACY – DRAFTKINGS CAREERS WEBSITE

Welcome to the DraftKings Careers website located at <https://careers.draftkings.com/> (“**Careers Website**”). DraftKings Inc. (collectively with its affiliates, “**DraftKings**,” “**DK**,” “**we**,” “**us**,” or “**our**”) provides the Careers Website to job seekers, applicants, and other individuals accessing the Careers Website (“**you**” or “**user(s)**”) subject to our Careers Terms of Use located at <https://careers.draftkings.com/media/g1ij1k2c/careers-website-terms-of-use.pdf>. We have prepared this privacy notice to explain how we collect, use, and share information about users of the Careers Website. We are committed to handling your personal information with respect, because your privacy is important to us.

This privacy notice applies to DraftKings’ recruitment practices in general, including our processing of personal information about current, former, and prospective candidates. This notice does not apply to websites, applications, or services that do not display or link to this notice or that display or link to different privacy statements. By using the Careers Website you consent to this notice. If you object to the collection, use, and sharing practices described in this notice, you may not use the Careers Website.

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1. THE PERSONAL INFORMATION WE COLLECT

a. Information You Provide to Us

- When you use the Careers Website for informational purposes, to search for employment opportunities, to review job-related content or to apply for a position, you may choose voluntarily to provide certain personal information to us. Personal information is information that can be used to identify you.
- The personal information we collect and process in connection with your use of the Careers Website and our general recruitment practices may include:
 - **Personal Details** – contact and identifying details including your name, phone number, address, email address, date of birth, photograph, signature, marital status, military status, gender, nationality, citizenship, visa status and other information regarding your “right to work” in the region where you are applying for a position;
 - **Professional Background** – resume or curriculum vitae and other job history details, employment application, references from prior employers and others, interview records, evaluation records, information on languages and other specialized skills, license documents, professional certifications, training documentation, memberships with committees and governmental and non-governmental bodies, and information regarding the circumstances of your departure from prior employers, including regarding termination and any non-disclosure, non-competition or non-solicitation agreements;
 - **Educational Background** – education history, including academic transcripts, credits, grades, honors, diplomas, certifications, and references;
 - **Financial Information** – depending on your location, salary and other compensation and benefits details, expenses, tax information, retirement account information, and stock or equity grant information;
 - **Communications** – email and other communications between you and us, including about the Careers Website, your application for a position, or other job-related matters;
 - **Sensitive Personal Information** – depending on your location, information you submit as part of any optional, equal opportunities questionnaire, including information about race, sexual orientation and any self-declared disabilities for which we might need to make a reasonable adjustment to support your application and potential future employment, and, for certain roles, background check information, including, where relevant, criminal background checks. In the event you choose to disclose sensitive personal information, you expressly consent to our processing of such information as described in this notice.

b. Information Collected via Technology

- **Information Collected by Our Services.** In order to improve, personalize, and optimize our services and meet our legal obligations, we may automatically track certain information about your visits to and usage of the Careers Website, including your browser type, operating system, Internet Protocol (IP) address (a number that is automatically assigned to your computer when you use the Internet, which may vary from session to session), device identifier, domain name, clickstream data, referring/exist pages, geolocation data, and a date/time stamp for your visit. We also use this information to analyze trends, administer the Careers Website, gather demographic information about our user base, perform research, provide technical

and customer support, inform our product development efforts, protect our legal rights, address disputes, and prevent our services from being used for harmful or unlawful activities, including fraud. Some of this information may also be collected so that, when you use the Careers Website again, we will be able to recognize you and optimize your experience accordingly.

- **Device Information.** We may collect information about the devices you use to access the Careers Website, including the hardware models, operating systems and versions, software, file names and versions, preferred languages, unique device identifiers, serial numbers, device motion information, and mobile network information. This information is generally used to help us deliver relevant information to you.
- **Cookies.** Like many online services, we use “cookies” to collect technical information. Cookies are small pieces of information that a website sends to your computer’s hard drive while you are viewing a website. We may use both session cookies (which expire once you close your web browser) and persistent cookies (which stay on your computer until you delete them) to provide you with a more personal and interactive experience on the Careers Website. We may use cookies to collect information about your IP address, browser type, operating system, device type and identifiers, platform type, as well as your usage of and activity on the Careers Website. These types of information are collected to make the Careers Website more useful to you and to tailor your online experience to meet your interests and expectations. You can use the options in your web browser to notify you when you receive a cookie, or you may change your cookie preferences in your Internet browser or with third parties. You can control and/or delete cookies we use. For instructions on how to delete cookies using your particular Internet browser, visit <https://www.aboutcookies.org/>. You can delete all existing cookies on your computer and adjust settings for most browsers to prevent cookies from being received.
- **Pixel Tags.** We also use "pixel tags" (also referred to as clear gifs, web beacons, or web bugs). Pixel tags are tiny graphic images with a unique identifier, similar in function to cookies, that are used to track online movements of web users. In contrast to cookies, which are stored on a computer’s hard drive or web browser, pixel tags are embedded invisibly in web pages. Pixel tags are often used in combination with cookies, trigger the placing of cookies, and transmit information to us or our service providers. This enables two websites to share information. The resulting connection can include information such as a device’s IP address, the time a person viewed the pixel, an identifier associated with the browser or device, the type of browser being used and the URL of the web page from which the pixel was viewed. Pixel tags also allow us to send email messages in a format that users can read, tell us whether emails have been opened, and help to ensure we are sending only messages that may be of interest to our users. We may also use this information to reduce or eliminate messages sent to a user.
- **Third Party Analytics.** We may use certain services, such as Google Analytics, to help analyze how people use the Careers Website ("**Analytics Companies**"). Analytics Companies use cookies and similar technologies to collect information pertaining to how people use the Careers Website, what pages they visit, and what other sites they may have used prior to visiting the Careers Website. We use the information we get from Analytics Companies to administer, improve, and optimize the Careers Website.
- **Location Information.** We may collect your location information for purposes of determining what recruiting and application materials we should distribute to you and

to verify whether you are eligible to work or apply for work in a particular region. We may also use such information to administer the Careers Website, comply with our legal obligations, protect our legal rights, and address existing or anticipated disputes.

c. Information Collected from Other Sources

We may supplement the information we have about you with information received from other sources, including from your references, referrers, prior employers, and from commercially available third-party sources such as professional networking and recruitment websites and applications where you have a publicly accessible profile or have otherwise consented to make your professional, educational, and related personal information accessible to recruiters and others. Your activity on such other websites and applications may be associated with your personal information in order to consider your application for a role or potential future employment. The information we receive may include demographic data such as age, gender, employment history, education level, as well as your interests and associations. This information is used to operate a fair and thorough recruitment process and to ensure candidates have the right skills and experience for a given position, as well as to perform verification and fraud detection and to comply with our legal obligations.

d. Use of Your Personal Information

We use your personal information to:

- Review and process your application and to keep you up to date on its progress;
- Communicate with you in connection with your application and current or future employment opportunities;
- Conduct candidate recruitment, evaluation, and hiring activities in connection with current and future employment opportunities;
- Perform data analyses and for assurance and review purposes – for example, by analyzing your application to improve our candidate recruitment, evaluation, and hiring activities;
- Resolve complaints or address inquiries that may involve you;
- Comply with applicable legal, regulatory, and corporate obligations;
- In relation to self-declared disabilities, to make an adjustment to support your application and any possible future employment;
- In relation to any optional, equal opportunity questionnaire data, to monitor our equality and diversity composition;
- In relation to any right to work information we collect, to ensure we comply with the law in hiring you;
- In relation to any background checks including criminal record checks we complete, to ensure we comply with our Access Control Policy and any applicable licensing and other regulatory requirements imposed by official authorities in the regions where we operate;

- In the event that your application for a role is successful, we may use your personal information to provide access to DraftKings information resources – for instance, we may use your details to prepare work rosters, create an email address for you, or authenticate your identity when you log into our systems; and
- Ensure the security and integrity of DraftKings information resources, including our systems, networks, tools, websites and applications.

2. INTERACTION WITH THIRD-PARTY SITES AND SERVICES

Certain products, services, or other materials displayed on the Careers Website may integrate, be integrated into, or be provided in connection with certain third-party services and content. We do not control those services and content and our Careers Terms of Use and this privacy notice do not apply to those services and content. You should read the terms of use agreements and privacy policies that apply to such services and content. DraftKings is not responsible for the practices used by third-party websites or services linked to or from the Careers Website, including, without limitation, the information or content contained within them. By using the Careers Website, you acknowledge and agree that we are not responsible for and do not have control over any third-party services and content that you authorize to access information you provide to them. If you are using a third-party website or service and allow it to access your personal information, you do so at your own risk.

3. ADDITIONAL USES OF PERSONAL INFORMATION

We may create aggregated, anonymized or de-identified data (i.e., data that is not reasonably capable of being associated with or linked to you) from personal information we collected from or about you. We may use such data to analyze usage patterns, so that we may improve, optimize, or enhance the services on the Careers Website and improve our users' experience with and ability to navigate the website. We reserve the right to use such aggregated, anonymized or de-identified data for any purpose and disclose it to third parties for any reason.

4. ADDITIONAL DISCLOSURES OF PERSONAL INFORMATION

In addition to the sharing practices discussed above, we may disclose your personal information as follows:

- **Service Providers.** We may share your personal information with certain service providers to: provide you the services we offer through the Careers Website; conduct quality assurance testing; provide user verification services; provide technical and customer support; geolocate users; personalize, customize, and improve your use and experience of the Careers Website; send email and push notifications; enable security support and technical maintenance; send you surveys and messages; prevent harmful or unlawful uses of our services, including fraud; deliver you customized or personalized content and information; monitor the health and performance of code on users' devices; request user feedback; monitor the health of our servers; manage search engine optimization; improve and optimize our services; and comply with our legal and regulatory obligations.
- **Professional Financial and Legal Advisers.** From time to time, we may also need to share your information with professional advisers, including lawyers, auditors, bankers, insurers and consultants, in order to obtain advice or other professional services from them. Such advisers are bound by legal and/or contractual duties of confidentiality and other prohibitions against disclosure of personal information.

- **Corporate Affiliates.** We may share some or all of your personal information with our corporate affiliates, including, without limitation, our subsidiaries, joint ventures and other companies under a common control (“**Affiliates**”), in which case we will require our Affiliates to respect this notice.
- **Corporate Restructuring.** We may share some or all of your personal information 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. In the event of an insolvency, bankruptcy, or receivership, your personal information may also be transferred as a business asset.
- **Other Disclosures.** Regardless of the choices you make regarding your personal information (as provided below), DK may disclose personal information if it in good faith believes that such disclosure is necessary (i) to comply with relevant laws or to respond to discovery requests, demands, subpoenas, or warrants served on DK; (ii) in connection with any legal investigation; (iii) to protect or defend the rights or property of DK or users of the Careers Website; (iv) to investigate or assist in preventing any violation or potential violation of law, this notice, or our Careers Terms of Use; or (v) if we believe that an emergency involving the danger of death or serious injury to any person requires or justifies disclosure of information.

5. SECURITY AND RETENTION OF PERSONAL INFORMATION

- The security of your information is important to us. We use reasonable administrative, technical, and physical procedures, practices, and safeguards designed to protect personal information we collect from unauthorized access, use, alteration, exfiltration, or destruction. Additionally, we will keep your information for only as long as it is needed to achieve its purpose and meet our legal obligations.
- We make concerted, good faith efforts to maintain the security of your information. Although we work hard to ensure the integrity and security of our systems, it must be recognized that no information system is 100% secure and, therefore, we cannot guarantee the security of such information. Outages, attacks, human error, system failure, unauthorized use, and other factors may compromise the security of user information at any time.
- In the event you registered an account on the Careers Website, we will retain your information for as long as your account remains active. For successful employment candidates, we will retain your information for the duration of your employment with us and for six (6) years thereafter, unless a different retention period applies in your region. For unsuccessful employment candidates, we will retain your information for at least twelve (12) months following the conclusion of our recruitment process and for as long as is required by the statutory retention periods applicable in your region.

6. YOUR CHOICES REGARDING PERSONAL INFORMATION

- **Email Communication.** We will periodically send you emails that contain information about careers at DK or other products and services we believe may be of interest to you. You may indicate your preference to stop receiving such communications from us and may opt out of receiving further marketing from DK anytime, by following the unsubscribe instructions provided in the email(s) you receive or by emailing us at privacy@draftkings.com. Despite your email preferences, we may send you service-related communications, including notices of updates to our Careers Terms of Use and this privacy notice.

- **Changing Or Deleting Your Personal Information.** You may request to correct or change your personal information by emailing us at talent@draftkings.com. You may also request deletion of certain personal information maintained by us, and we will use commercially reasonable efforts to honor your request, but please note that we may be legally or otherwise required to keep such information and not delete it (or to keep this information for a certain time, in which case we will comply with your deletion request only after we have fulfilled such requirements). Deletion requests may be submitted by emailing us at privacy@draftkings.com. When we delete any information, it will be deleted from active databases, but may remain in our archives. We may also retain your information to prevent fraud or other unlawful activity, to protect our legal rights, and for similar purposes.
- **Accessing Your Personal Information.** You may request a copy in machine readable format of personal information that DK has collected about you through the Careers Website or otherwise by contacting our Data Protection Officer at privacy@draftkings.com.
- **Restricting Or Objecting To Our Use Of Your Personal Information.** Depending on the laws of the region where you are located, you may request that we cease using your information and may object to our processing your information based on our legitimate interests.

7. HOW WE RESPOND TO DO NOT TRACK SIGNALS

Various browsers, including Internet Explorer, Firefox and Safari, currently offer a “Do Not Track” or “DNT” option that relies on a technology known as a DNT header, which sends a signal to websites visited by the user about the user’s browser DNT preference setting. Please note that, at this time, we do not honor “DNT” signals or other mechanisms that may allow you to opt out of the collection of information across networks of websites and online services as there is no standard for how online services should respond to such signals. As standards evolve, we may develop policies for responding to DNT signals that would be described in future versions of this notice. For more information on DNT options, please visit www.allaboutdnt.org.

8. CHILDREN

The Careers Website is not directed towards persons under the age of eighteen (18), and we require that such individuals not provide us with their personal information. We do not knowingly collect or maintain personal information from anyone under the age of 18 through the Careers Website. If we become aware that a person under 18 has provided us with personal information through the Careers Website, we will delete the information from our files, unless we are legally required to retain it. If you are the parent or legal guardian of a person under 18 who you believe has provided personal information to DK through the Careers Website, please contact our Data Protection Officer at privacy@draftkings.com.

9. INTERNATIONAL USERS

Please be advised that through your use of the Careers Website, you are transferring your personal information to the United States and you expressly consent to that transfer. Your information may be stored and processed in any region where our Affiliates are located (including the European Economic Area (“**EEA**”), United Kingdom (“**UK**”), Isle of Man, Gibraltar, Ukraine and Israel) or in which we engage service providers. By using the Careers Website, you expressly consent to the transfer of information to countries outside of your country of residence, including to the United States, which may have different data protection rules than those of your country. In the event your personal information is

transferred to an Affiliate or service provider in a jurisdiction whose laws do not adequately protect your data, we will adopt measures to safeguard your information, including, where appropriate, entry into standard contractual clauses approved by the EU Commission.

With regard to personal information processed about individuals located in the EEA, UK, or other applicable jurisdiction, we will use your information for the following purposes and legal bases:

- Information collected and processed through your use of the Careers Website as part of our recruitment, evaluation, and hiring activities is based on your consent, which may be withdrawn at any time;
- Contacting job applicants who use the Careers Website, including in connection with future employment opportunities, is based on your consent, which may be withdrawn at any time;
- If you are hired for a position at DraftKings, we may also process your personal information based on the need to enter into an employment contract with you;
- Contacting potential job candidates in connection with future employment opportunities and related information about DraftKings is based on our legitimate interest in managing our business operations, including for personnel, administrative, legal and management purposes, provided that our interest is not overridden by your interest;
- Monitoring and promotion of equal opportunities, including review of our equality and diversity composition, is based on our legitimate interest in managing our business operations, including for personnel, administrative, legal and management purposes, provided that our interest is not overridden by your interest;
- Investigating and responding to complaints from end-users, personnel, clients, partners, and regulators is based on our legitimate interest in managing our business operations, including for personnel, administrative, legal, management and crime prevention purposes, provided that our interest is not overridden by your interest;
- Investigating and addressing information security issues is based on our legitimate interest in maintaining the security and integrity of our networks and systems, including for administrative, legal, management and crime prevention purposes, provided that our interest is not overridden by your interest;
- Exercising our rights to defend, respond to or conduct legal proceedings is based on the need to comply with legal or regulatory obligations and our legitimate interest in managing our business operations, including for personnel, administrative, legal, management and crime prevention purposes, provided that our interest is not overridden by your interest;
- Managing health and safety at DraftKings and complying with our regulatory and professional requirements are based on the need to comply with legal and regulatory obligations; and
- Processing any sensitive personal information you choose to include as part of your application for employment is not required and will be based on your explicit consent, which may be withdrawn at any time.

10. CALIFORNIA PRIVACY RIGHTS

California residents (“**CA customers**”) who are job seekers, applicants, employees and other of our personnel have certain rights concerning their personal information, including under the California Consumer Privacy Act of 2018 (“**CCPA**”). If you are a CA customer using the Careers Website, you have the right to request that we disclose the following information:

- the categories of personal information we will collect and have collected about you for the period covering the 12 months preceding the request;
- the business or commercial purpose(s) for which personal information about you will be or was collected; and
- information about how you can opt out of the sale of personal information to another business or third party, if such information is being sold.

The preceding sections of this notice describe DK’s practices regarding the collection, use, and disclosure of personal information. As provided above, we collect and use the following categories of personal information for the business and commercial purposes described in this notice: name, address, telephone number, email address, occupation, communications between you and us, application for a role, information regarding your “right to work” in the region where you are applying for a role, (for certain roles) information related to background checks (including, where relevant, criminal background checks), information you submit as part of any job application (e.g., your professional and educational background, salary and resume), information you submit as part of any optional, equal opportunities questionnaire, including any self-declared disabilities for which we may need to make a reasonable adjustment to support your application and any potential future employment, information on end-user interactions with the Careers Website and other websites and applications, including information on preferences, usage, associations, likes, and public profile information, as well as inferences drawn from such information. We collect such information from the categories of sources described in this notice. We may disclose the foregoing categories of personal information for our business and commercial purposes to the extent permitted by applicable law.

CA customers have the right to opt-out of a business's sale of their personal information. Under the CCPA, the terms “sell,” “selling,” or “sale” mean selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a CA customer's personal information to another business or third party for monetary or other valuable consideration. The CCPA provides that a business does not sell personal information when:

- o the customer uses or directs the business to intentionally disclose his or her personal information or uses the business to intentionally interact with a third party, as long as the third party does not also sell the personal information; or
- o the business uses or shares with a service provider personal information of a customer that is necessary to perform a business purpose, as long as (i) the business has provided appropriate notice that personal information is being used or shared and (ii) the service provider does not further collect, sell, or use the personal information of the customer except as necessary to perform the business purpose.

As described above, we and certain other companies may place tracking technologies on the Careers Website, which allow us and such companies to receive information about your activity on the Careers Website that is associated with your browser or device. Based on our current understanding of the CCPA, DK believes this is not a “sale” of personal information and that we have not sold the personal information of CA customers, including minors under

16 years of age, within the preceding 12 months. Please also keep in mind that your cookie and tracking tool preferences are specific to the device, website, and browser you are using and are deleted when you clear your browser's cache. CA customers may request the information described above by emailing us at privacy@draftkings.com. Please note that DK may deny or fulfill a request only in part, based on our legal rights and obligations.

11. How To CONTACT Us

Any inquiries or comments regarding your personal information and privacy rights, our data processing activities, this privacy notice, or any issues regarding suspected or confirmed security violations should be directed to our Data Protection Officer via email addressed to privacy@draftkings.com.

12. CHANGES AND UPDATES TO THIS PRIVACY NOTICE

This privacy notice may be revised periodically in our sole discretion, and any changes will be effective upon the revised privacy notice being posted to our Careers Website. You are solely responsible for reviewing this privacy notice for any changes. In the event we make material changes to this privacy notice, as determined by us in our sole discretion, we will notify you. You are solely responsible for updating your personal information to provide us with your most current email address. In the event 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 provide you notification via email, our dispatch of the email containing such notification will constitute effective notification of the changes made to the privacy notice. If you do not wish to permit changes in our use of your personal information, you must notify us that you wish to deactivate your account. Your continued use of the Careers Website following any changes to this privacy notice 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 updated privacy notice applies to all of your personal information, including the personal information collected before the changes went into effect.

Effective: July 1, 2021