

# **TOP OF THE ROCK, L.L.C.**

## **Privacy Policy**

Last Updated:  
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This document explains the online privacy practices and policy of Top of the Rock, L.L.C. (“TOTR”) for our web site at <http://www.topoftherocknyc.com> (the “Site”). Please note that this Privacy Policy (“Privacy Policy” or simply the “Policy”) does not apply to any other web site that may be owned or operated by Top of the Rock, L.L.C. or its affiliates.

If you have not already done so, please <click here> to review the Terms of Use that govern your use of the Site and the services and products offered on the Site. This Privacy Policy is considered part of the Terms of Use.

### **1. Rights To Modify This Policy**

We reserve the right to revise this Policy at any time. If we make any substantive changes, we will post bulletins on the Site and update the date noted above. We reserve the right to provide notice of any changes in other ways as well. You will be able to access changes to this Privacy Policy by clicking on the date noted above. Your use of this Site after such changes constitutes your agreement to the Policy as amended. If you do not agree to this Policy, please do not use this Site.

### **2. This Site Complies With U.S. Privacy Law**

This Site is operated, in whole or in part, from the United States. By using this Site, regardless of where you live in the world, you consent to have any PII you provide through this Site transferred to and processed in the United States, and allow TOTR to use and collect your personal information in accordance with this Policy.

Text on this Site may be published in languages other than English. In all instances, the English language version of any text, including this Privacy Policy, controls the legal impact and interpretation of this Site and its use.

#### Notice to California Residents - Your California Privacy Rights

If you are a California resident, you have the right to receive from us once a year, free of charge: a) information identifying any third party company(ies) to whom TOTR may have disclosed, within the past year, personally identifiable information (“PII”) pertaining to you and your family for that company's direct marketing purposes; and b) a description of the categories of PII disclosed. If you are a California resident and would like to make this request, please email your request to [info@topoftherocknyc.com](mailto:info@topoftherocknyc.com).

### **3. What Information We Collect**

## **Personally Identifiable Information**

We do not collect PII such as your name, address, telephone number, e-mail address, and credit-card number, unless you voluntarily supply it through, for example, buying tickets online, sending us e-mail, entering a promotion, downloading our mobile app, or requesting our electronic newsletter. You can refrain from supplying PII, but you may then be unable to take full advantage of the Site.

When you buy tickets from us online, we use payment processors such as Paypal and American Express to process your transaction. We also make tickets available through resellers such as Expedia. If you purchase tickets from a reseller, then its privacy policy will apply to personal data that you provide.

If you contact us by e-mail (through a hyperlink on a webpage, downloading our mobile app, or otherwise), then we naturally will have your e-mail address and name and any other information in your message. If in the future you receive our promotional e-mails, you can opt out of receiving these messages at any time by following the opt out instructions in the e-mail that you receive.

### Information Relating To Employment Opportunities

This Site enables you to access listings of possible employment opportunities with TOTR and submit resumes and applications online. When you submit your resume or an actual application to us, you do so via a software application that resides on the server of Silk Road Technology. These submissions are made via a secure socket connection. Silk Road is obligated not to use or access this information except in the course of trouble shooting or maintaining this portion of the Site. TOTR is an Equal Opportunity Employer and complies with all applicable laws governing employment.

We may investigate statements in resumes and applications to evaluate candidates for employment.

## **Other Information**

TOTR may gather information that is not personally identifiable about Site use, such as the number of unique visitors, the frequency with which they visit, and pages viewed. We look at the data in summary form, rather than on an individual basis. We gather this information so we can, for example, learn how many people visit this Site, see which pages are the most viewed, and identify which web sites are referring visitors to this Site.

In connection with these activities, we may use standard technologies such as a “cookie” to collect information. A cookie is a small removable data file that is stored by your web browser on your computer. We use cookies to, among other things, identify your computer during a particular visit to this Site and analyze visitor behavior. We do not store personal or sensitive information in cookies. Most web browsers provide you with the ability to accept or decline cookies, as well as to be warned each time a cookie is being sent.

## **4. How Do We Share and Use Information?**

### **Personally Identifiable Information**

If you provide feedback, a comment, or a response about your visit, we may use your first name and the first initial of your last name, and town/state of residence, for advertising and marketing purposes.

We do not share your PII with any non-affiliated company, except for our vendors and service providers that assist us with operating the Site. There are limited circumstances, however, in which we share personal data with third parties. When you purchase tickets online, your order will be processed by third parties, who naturally will have access to the data that you supplied. From time to time we may also engage the services of third parties to help us analyze use of the Site. These third parties will be contractually bound to use the personal data only according to this Privacy Policy, and they are not authorized to send you any information about goods and services from other companies without your express permission.

We may release PII and any other data in order to comply with the law, in order to investigate, prevent, or take action regarding suspected or actual prohibited activities, including but not limited to fraud, and situations involving potential threats to the physical safety of any person. We may also do so to enforce Site Terms of Use and any other Site policy or terms, to protect TOTR and its affiliates, or for any reason, in TOTR discretion.

We may transfer personal data to an affiliate or third party as part of a transfer of business assets. The data would continue to be covered by the terms set forth in this Privacy Policy.

With respect to employment information, the information you provide will be used to process your application, which may include confirming the information you provide, to contact you if we think that a future position may be of interest to you, or if we think you may know someone qualified for that position. We may also consider you for other positions within TOTR or one of our affiliates. If we contact you for further information or to arrange an interview, we will make the necessary disclosures at that time with respect to credit checks and reference checks.

### **Other Information**

With respect to data other than PII that we collect, we use this data only in the aggregate. We may from time to time share data with affiliates, subsidiaries, vendors, or other third parties to perform services on our behalf that are related to the provision of our business and services.

## **5. Security**

TOTR takes reasonable precautions to safeguard the confidentiality of any information you submit to us via this Site as well as to keep this Site free from viruses or

other malware. Credit-card numbers that you enter through the Site are encrypted and transmitted through SSL (Secure Sockets Layer). We will use your credit-card number only to process your payment.

We endeavor to provide a secure website, but cannot guarantee the confidentiality of electronic communication. Except for credit-card data, transmissions to and from the Site are not encrypted, nor are e-mail messages. Accordingly, you should carefully consider whether to submit sensitive information that you would not want made public, and should recognize that your use of the Site is solely at your own risk.

## **6. Promotions; E-mail; Social Media; Marketing**

From time to time, we may request information from you via online polls, surveys, sweepstakes, or contests. Participation in these surveys, sweepstakes, or contests is completely voluntary; you have a choice whether or not to disclose information required to enter. Information requested may include personal contact information such as your name, address, phone number, mobile phone number, e-mail address, username, and/or similar information.

If you sign up to receive our e-mail newsletter, e-mail updates, or text messages from us, we may collect, store, and use your e-mail address and mobile phone number to send you such information. We may also collect and store other PII including but not limited to your name, address, phone number, number, username, and/or similar information you may voluntarily provide to us.

TOTR may also maintain a presence on third party social media websites, and any sharing or posting to the Site you provide may be re-posted to TOTR's pages within third party social media sites. Please read the privacy policies of those social media, because your participation at those sites will not be governed by TOTR's Privacy Policy.

## **7. Miscellaneous**

This Site may contain links to other web sites. TOTR is not responsible for their privacy practices or content.

The Site does not knowingly collect PII from children under the age of 13.

Nothing in this policy is intended to interfere with the ability of TOTR to transfer all or part of its business or assets (including this Site, and any PII) to an affiliate or independent third party, at any time, for any reason. However, any successor to our assets including data about you will be obliged to honor whatever commitments are in place at the time

If you believe that TOTR has acted inconsistently with this Privacy Policy, please notify us at the address below.

## **8. Contact Information**

If you have questions or comments about this Privacy Policy or this Site, you may contact Webmaster, Top of the Rock, L.L.C. c/o Tishman Speyer, 45 Rockefeller Plaza, New York, New York 10111-1200, or at [info@topoftherocknyc.com](mailto:info@topoftherocknyc.com).