

## **Privacy Policy**

**Effective Date: December 19, 2022**

**Last Updated: December 19, 2022**

Hostess Brands, LLC and its affiliates and subsidiaries (“**Hostess**,” “**we**,” “**us**,” or “**our**”) respect your privacy. This Privacy Policy describes the processing of Personal Information (defined below) that is provided, collected, or shared on [www.hostesscakes.com](http://www.hostesscakes.com), applications, social media pages, or other platforms that link to this Privacy Policy (collectively, the “**Site**”). It also describes your choices about the collection, sharing, and use of your Personal Information.

### **1. Personal Information We Collect**

We may collect a range of Personal Information. “**Personal Information**” means information that uniquely identifies, relates to, describes, or is reasonably capable of being associated with or linked to you.

The types of Personal Information we collect may include:

- **Contact Information:** If you submit an inquiry through our Contact Form, register for an account, subscribe to receive our e-mail alerts, or provide information on our Site, we may collect your contact information. This may include your name, email address, address, demographic information, and phone number.
- **Location Data:** While navigating our Site, your mobile device or browser may share your location data, both through WiFi and GPS. We will collect this information based on the settings of your phone and browser, or if you decide to use certain features on our Site which utilize your location.
- **Usage Information:** When you use our Site, our servers may automatically record information, including your Internet Protocol address (IP Address), browser type, referring URLs (e.g., the site you visited before coming to our Site), domain names associated with your internet service provider, information on your interaction with the Site, and other such information.
- **Prospective Employment Information:** If you apply for employment and/or become an employee, we will collect your employment and work history, as well as other Personal Information related to your potential employment. This may include your education and employment history, address and contact information, demographic information, references, and any other information included in your resume, cover letter or application. This may also include EEOC demographic workforce and related data.
- **Websites and Log Information:** We may collect information such as your username and password to enter certain sections of our websites, unique identifiers, preference information (such as marketing preferences), browser type, Internet service provider (ISP), referring/exit pages, the files viewed on our site, operating system, date/time stamp, and clickstream data and other pieces of information. The collection of this information is further described in the “Cookies and Tracking Technologies” subsection below. We may also collect, the date of your last login, the type of content that you viewed or accessed, the search terms you enter, pages you viewed, features you use, your browser and device type, error reports, and any links you click on to leave or interact with the Site. We may also create usage statistics and monitor the traffic from your use or interaction with our Site.

- **Communication Information:** We may collect audio, electronic, or visual information, which includes screen sharing views; any data in any files uploaded, emailed or otherwise provided by customers; the contents of your communications with us, whether via e-mail, social media, telephone or otherwise, and inferences we may make from other Personal Information we collect.
- **Social Media:** Our Site may link to our pages or accounts on third party social media networks (“social media”), but our Site does not use social media plug-ins. If you choose to interact with us on social media, we may collect the information you publish or submit. Note that this information is also governed by the privacy policies of the respective companies offering the social media service.

## 2. How We Collect Your Personal Information

- **Directly From You:** For example, subscribing to receive our e-mail alerts, registering for a webcast, logging into the employment portal, sharing your experience with our products, or requesting information from us.
- **Third Parties:** For example, we may work with business partners, subcontractors, advertising networks, consultants, analytics providers, and search information providers, who may provide us with Personal Information about you.
- **Cookies and Tracking Technologies:** Our Site may incorporate the following tracking technologies to provide you with certain functionalities, which collect or generate Personal Information about you when you interact with us:
  - **Cookies:** A cookie is a small file placed on your hard drive by some of our web pages. HTML5 local stored objects may store larger amounts of information on your browser. When you access the Site, either through our website, certain information (including computer and connection information, mobile application use, browser type and version, operating system and platform details, and the time of accessing the Site is automatically collected. We, or third parties we do business with, may use cookies to help us analyze our web page flow, customize the Service, content and advertising, measure promotional effectiveness, and promote trust and safety. Most browsers provide you with the ability to block, delete, or disable cookies, and your mobile device may allow you to disable transmission of unique identifiers and location data. If you choose to reject cookies or block device identifiers, some features of the Site may not be available, or some functionality may be limited or unavailable. Please review the help pages of your browser or mobile device for assistance with changing your settings. You may also adjust your cookie preferences by visiting <https://www.hostesscakes.com/cookie-policy/>.
  - **Tags:** Pieces of code, or tags, which gather information about users. For example, tags are used on our websites to better understand online usage patterns and trends. We may also use tags in our emails or newsletters to count how many of those messages are read.
  - **Widgets:** Small components embedded within our Site which enable you to use certain functionalities.
  - **Web Beacons:** Web beacons are electronic images placed in the code of a webpage, application or email that allow us to monitor things such as user activity and site

traffic. Web beacons may be used to track the traffic patterns of users from one page to another in order to maximize web traffic flow.

- **Advertising:** We may engage third party service providers who utilize tracking technologies to serve you advertisements that you may be interested in. Some of these advertisements may be personalized to you, meaning that the advertisements are intended to be relevant to you based on what we, or the third party service providers, know about you.
- **Through Analytics:** We use analytics services, including Google Analytics, to assist us with analyzing our website traffic through cookies and similar technologies. For more information on Google Analytics' processing of your Personal Information, please see <https://policies.google.com/technologies/partner-sites?hl=en-US>. You can also opt-out of Google Analytics here: <https://tools.google.com/dlpage/gaoptout>.
- **Do Not Track Signals:** Currently, we do not respond to Do Not Track signals.

### 3. How We Use Personal Information

To the extent permitted by applicable law, we may use Personal Information to:

- operate the Site and provide support to our business functions;
- protect against criminal activity, claims and other liabilities;
- send you information about our company, products, services, and promotions;
- respond to reviews, comments, or other feedback provided to us;
- support and personalize the Site and our advertising efforts;
- protect the security and integrity of the Site;
- provide customer support;
- the extent required for benchmarking, data analysis, audits, developing new products, enhancing the Site, facilitating product, software and applications development, improving the Site or our services, conducting research, analysis, studies or surveys, identifying usage trends, as well as for other analytics purposes;
- meet our contractual requirements;
- comply with applicable legal or regulatory requirements and our policies;
- respond to inquiries related to employment opportunities;
- for recruitment activities
- market, advertise, and provide the Site and our services;
- the extent necessary for any other lawful purpose for which the Personal Information is collected; and
- to extend credit and to evaluate credit standing.

### 4. Sharing of Personal Information

We may share your Personal Information in the following circumstances:

- **For Legal Obligation or Safety Reasons** – When we have a good faith belief that access, use, preservation or disclosure of Personal Information is reasonably necessary to (a) satisfy or comply with any requirement of law, regulation, legal process, or enforceable governmental request, (b) enforce or investigate a potential violation of the Terms of Use, (c) detect, prevent, or otherwise respond to fraud, security or technical concerns, (d) support auditing and compliance functions, or (e) protect the rights, property, or safety of Hostess its users, or the public against harm.

- **In the Case of a Merger or Sale** – If and when we are involved in a merger, acquisition, or any form of transfer or sale of some or all of its business, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, Personal Information may be transferred along with the business. Where legally required we will give you prior notice and if you have a legal right to do so, an opportunity to object to this transfer.
- **To Service Providers** – When we hire a service provider to help operate the Site or our business, we may give access to Personal Information as necessary to perform the service for Hostess. This may include service providers that operate our Site, send our communications, or run our promotions.
- **To Third Parties for Marketing Purposes** – We may share your Personal Information with third parties for their marketing purposes. This may include third parties whose services we believe you may be interested, or who are interested in providing you with services.
- **Affiliates.** We may share your personal information with our corporate parent, subsidiaries, and affiliates, for purposes consistent with this Privacy Policy.
- **Professional Advisors.** We may disclose your personal information to professional advisors, such as lawyers, bankers, auditors, and insurers, where necessary in the course of the professional services that they render to us.
- **To Business Partners** – We may share Personal Information with our trusted business partners. For example, we may share your Personal Information with a company when we co-sponsor a promotion or service. These partners and affiliates may use your Personal Information to, among other things, send you information or contact you about their services and products.

## 5. How We Protect Your Personal Information

We use our commercially reasonable efforts to protect the confidentiality and security of Personal Information we process. However, despite these efforts to store Personal Information in a secure operating environment, we cannot guarantee the security of Personal Information during its transmission or its storage on our systems. Further, while we attempt to ensure the integrity and security of Personal Information, we cannot guarantee that our security measures will prevent third parties such as hackers from illegally obtaining access to Personal Information.

## 6. Your Rights

Depending on where you live, you may have certain rights regarding your Personal Information. We will handle any request to exercise your rights in accordance with applicable law, but please note that these rights may not be absolute and may not apply to you, depending on the circumstances and where you are located:

- Right to Access your Personal Information
- Right to Delete your Personal Information
- Right to Correct or Revise your Personal Information
- Right to Object or Withdraw Consent to Process your Personal Information
- Right to Opt-Out of the Sale of your Personal Information

To exercise your Personal Information rights please contact us using the information in Section 15 below. If you are a resident of California, please see additional information in Section 13 regarding your California specific rights and how you can exercise those California specific rights.

## 8. Your Choices & Preferences

We offer choices for you to request to update or change your Personal Information and how we communicate with you. Here are some of the ways you can opt-out of receiving emails from us:

- Follow the opt-out instructions in promotional emails we send you.
- Send an email to [HostessUnsubscribe@hostessbrands.com](mailto:HostessUnsubscribe@hostessbrands.com)
- Send us a postcard with your email address to:

Hostess Brands, LLC  
Attn: Consumer Affairs  
P.O. Box 15002  
Lenexa, KS 66285-5002

## **9. International use of the Site**

If you are visiting this Site from outside of the United States, please note that by providing your Personal Information through this Site, it is being transferred to, stored, collected, or processed in the United States where our data center and servers are located and operated.

The Personal Information that we collect and generate about you may be transferred, stored, or accessed in a destination outside of your country which may have less strict, or no, data protection laws, when compared to the laws in your country. Any transfers of Personal Information to Hostess affiliates or third parties outside your local country will be conducted in compliance with the international data transfer restrictions that apply under applicable data protection laws.

You may contact us for more information about the safeguards that we have put in place to protect your Personal Information and your privacy rights when we make cross-border transfers of your Personal Information.

## **10. Children’s privacy**

We do not knowingly collect or solicit any Personal Information from children under the age of 13. In the event that we learn that we have collected Personal Information from a child, we will promptly take steps to delete that information. If you are a parent or legal guardian and think your child has given us their Personal Information, please contact us using the information listed in the “Contact Us” section.

## **11. Links to third-party websites**

We are not responsible for the practices employed by any websites or services linked to or from the Site, including the information or content contained within them. We encourage you to investigate and ask questions before disclosing Personal Information to third parties, since any Personal Information disclosed will be subject to the applicable third party’s privacy policy.

## **12. Notice for California Residents**

This Section applies to our collection and use of “Personal Information” if you are a resident of California, as required by the California Consumer Privacy Act of 2018 and its implementing regulations (“CCPA”), as amended by the California Privacy Rights Act (“CPRA”), where “Personal Information” has the definition set forth in the CCPA. This Section describes (1) the categories of Personal Information collected and disclosed by us, (2) your privacy rights, and (3) how to exercise your rights.

Hostess makes the following disclosures regarding the categories of Personal Information (enumerated in Section 1798.140(v)(1) of the CCPA) that we have collected within the last 12 months through our Site.

- **Categories of Information We Collect**

We have collected the following categories of personal information from our consumers within the last 12 months. The sources from which we obtain this information and the ways in which we use this information are set forth in our general Privacy Policy above. We will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

<b>Category of Personal Information</b>	<b>Category of Source from which Personal Information is Collected</b>	<b>Purpose of Collection</b>	<b>Third Parties to whom Personal Information is Disclosed for a Business Purpose</b>	<b>Third Parties to whom Personal Information is Sold or Shared</b>	<b>Retention Period</b>
Identifiers: Real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, identifying numbers	Directly from user; cookies and other tracking technologies	To operate and make our services available to our users	Service Providers	We may sell names and email addresses to our marketing partners. We share this category of information with third parties for purposes of cross-context behavioral advertising.	Hostess retains this category of Personal Information for the length of the applicable customer contract and for as long as necessary to fulfill legal and contractual obligations. Personal Information marked for deletion is maintained for six (6) months to ensure integrity before permanent removal and disposal.
Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)): Name, signature, number, address, telephone number, driver's license or state identification card number, insurance policy number, education, employment, employment history, and financial information	Directly from user	To operate and make our services available to our users, authentication, to contact users about their use of the Service	N/A	We do not sell or share this category of Personal Information.	Hostess retains this category of Personal Information for the length of the applicable customer contract and for as long as necessary to fulfill legal and contractual obligations. Personal Information marked for deletion is maintained for six (6) months to ensure integrity before permanent removal and disposal.
Protected classification characteristics under California or federal law: Age (40 years or older)	Directly from user	To operate and make our services available to our users	N/A	We do not sell or share this category of Personal Information.	Hostess retains this category of Personal Information for the length of the applicable customer contract and for as long as necessary to fulfill legal and contractual obligations. Personal Information marked for deletion is maintained for six (6) months to ensure integrity before permanent removal and disposal.
Commercial information: Such as, records of personal property,	Directly from user	To operate and make our services available	N/A	We do not sell or share this category of Personal Information.	Hostess retains this category of Personal Information for the length of the applicable customer contract and for as long as necessary to fulfill legal and

products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies		to our users			contractual obligations. Personal Information marked for deletion is maintained for six (6) months to ensure integrity before permanent removal and disposal.
Internet or other similar network activity: Such as, browsing history, search history, information on a consumer's interaction with a website, application, or advertisement	Cookies and other tracking technologies	To improve the content and functionality of our services and website; to conduct data analytics	Service Providers	We sell this category of Personal Information. We share this category of Personal Information with third parties for purposes of cross-context behavioral advertising.	Hostess retains this category of Personal Information for no more than 2 years.
Geolocation data: Physical location or movements	Cookies and other tracking technologies	To operate and make our services available to our users	N/A	We do not sell or share this category of Personal Information.	Hostess retains this category of Personal Information for the length of the applicable customer contract and for as long as necessary to fulfill legal and contractual obligations. Personal Information marked for deletion is maintained for six (6) months to ensure integrity before permanent removal and disposal.
Professional or employment-related information: Such as, current or past job history or performance evaluations	Directly from user	To manage and administer employment and hiring.	N/A	We do not sell or share this category of Personal Information.	Hostess retains this category of Personal Information for the length of the applicable customer contract and for as long as necessary to fulfill legal and contractual obligations. Personal Information marked for deletion is maintained for six (6) months to ensure integrity before permanent removal and disposal.
Inferences drawn from other Personal Information: Profile reflecting a person's preferences	Internally derived	To conduct analytics, and business and product development	N/A	We do not sell or share this category of Personal Information.	Hostess retains this category of Personal Information for the length of the applicable customer contract and for as long as necessary to fulfill legal and contractual obligations. Personal Information marked for deletion is maintained for six (6) months to ensure integrity before permanent removal and disposal.
Sensitive Personal Information: Social security number, driver's license number, state identification	Directly from user	To operate and make our services available to our users	N/A	We do not sell or share this category of Personal Information. Hostess does not collect or process Sensitive Personal Information for the	Hostess retains this category of Personal Information for the length of the applicable customer contract and for as long as necessary to fulfill legal and contractual obligations. Personal Information marked for deletion is maintained for six (6) months

card, or precise geolocation				purpose of inferring characteristics about a consumer.	to ensure integrity before permanent removal and disposal.
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• **Your rights as a California Resident**

Privacy Right	Description
Notice	The right to be notified of what categories of Personal Information will be collected at or before the point of collection and the purposes for which they will be used and shared.
Know	The right to request the categories of Personal Information that we collected in the previous twelve (12) months, the categories of sources from which the Personal Information was collected, the specific pieces of Personal Information we have collected about you, and the business purposes for which such Personal Information is collected and shared. You may also have the right to request the categories of Personal Information which were disclosed for business purposes, and the categories of third parties in the twelve (12) months preceding your request for your Personal Information.
Delete	The right to have your Personal Information deleted. However, please be aware that we may not fulfill your request for deletion if we (or our service provider(s)) are required or permitted to retain your Personal Information for one or more legally permitted purposes, such as: (1) to complete a transaction for which the Personal Information was collected, provide a good or service requested by you, or complete a contract between us and you; (2) to ensure our website integrity, security, and functionality; (3) to comply with applicable law or a legal obligation, or exercise rights under the law (including free speech rights); or (4) to otherwise use your Personal Information internally, in a lawful manner that is compatible with the context in which you provided it.
Correct	You have the right to request that we correct any incorrect personal information that we collect or retain about you, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see below), we will correct (and direct any of our service providers that hold your data on our behalf to correct) your personal information from our records, unless an exception applies. We may deny your correction request if (a) we believe the personal information we maintain about you is accurate; (b) correcting the information would be impossible or involve disproportionate; or (c) if the request conflicts with our legal obligations.
To Opt Out of Sales or Sharing of Personal Information	You have the right to opt-out of the sale and sharing of your Personal Information. When you opt out of sharing, we will not share your Personal Information with third parties for purposes of cross-context behavioral advertising. To exercise your right to opt-out of the sale and sharing of your personal information  To opt-out please complete the web form located here <a href="https://www.hostesscakes.com/contact-us/">https://www.hostesscakes.com/contact-us/</a> or contact us at 1-800-483-7253 or <a href="mailto:consumeraffairs@hostessbrands.com">consumeraffairs@hostessbrands.com</a> .  We do not have actual knowledge that we sell the personal information of consumers under 16 years of age.
Limit Use of Sensitive Personal Information	You have the right to limit the use or disclosure of Sensitive Personal Information if Sensitive Personal Information is collected or processed for the purpose of inferring characteristics about a consumer. Hostess does not collect or process Sensitive Personal Information for the purpose of inferring characteristics about a consumer.

• **How you can exercise your California Rights**

Only you, or a person registered with the California Secretary of State that you authorize to act on your behalf, may make a request related to your Personal Information. You may also make a request on behalf of your minor child.

You may only make a request to know twice within a 12-month period. The request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it



We must verify your identity before fulfilling your requests. If we cannot initially verify your identity, we may request additional information to complete the verification process. We will only use Personal Information provided in a request to verify the requestor's identity. If you are an authorized agent making a request on behalf of a California consumer, we will also need to verify your identity, which may require proof of your written authorization or evidence of a power of attorney.

We endeavor to respond to requests within the time period required by applicable law. If we require more time, we will inform you of the reason and extension period in writing.

We will deliver our written response electronically via e-mail.

We do not charge a fee to process or respond to your request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

We cannot respond to your request or provide you with Personal Information if we cannot verify your identity and confirm the Personal Information relates to you. Making a verifiable consumer request does not require you to create an account with us.

We may deny certain requests, or only fulfill some in part, as permitted or required by law. For example, if you request to delete Personal Information, we may retain Personal Information that we need to retain for legal purposes.

To exercise your California rights to know, delete, and correct described in this section, please contact us at 1-800-483-7253, [consumeraffairs@hostessbrands.com](mailto:consumeraffairs@hostessbrands.com) or complete the web form located here <https://www.hostesscakes.com/contact-us/>.

To exercise your right to opt-out of the sale and sharing of your Personal Information, please complete the form located here <https://www.hostesscakes.com/contact-us/>.

Hostess will not discriminate against you in the event you exercise any of the aforementioned rights under CCPA, including, but not limited to, by:

- denying goods or services to you;
- charging different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties;
- providing a different level or quality of goods or services to you; or
- suggesting that you will receive a different price or rate for goods or services or a different level or quality of goods or services.

- **Accessibility**

The Policy is available to consumers with disabilities. To access this Policy in an alternative downloadable format, please click- [http://www.hostesscakes.com/wp-content/uploads/2022/12/Hostess\\_Brands\\_LLC-Privacy\\_Policy\\_Hostess\\_Cakes.pdf](http://www.hostesscakes.com/wp-content/uploads/2022/12/Hostess_Brands_LLC-Privacy_Policy_Hostess_Cakes.pdf)

- **California Shine the Light Law:**

Under California Civil Code Section 1798.83, individual customers who reside in California and who have an existing business relationship with us may request information about our disclosure of certain categories of personal information to third parties for the third parties' direct marketing purposes, if any.

To make such a request, please contact us using the information in Section 15 below. Please be aware that not all information sharing is covered by these California privacy rights requirements and only information on covered sharing will be included in our response. This request may be made no more than once per calendar year.

### **13. Retention of Your Personal Information**

We will keep your personal information for the period necessary to fulfill the purposes described in this Privacy Policy, unless a longer retention period is permitted or required by law.

In specific circumstances, we may store your personal information for longer periods of time so that we have an accurate record of your dealings with us in the event of any complaints or challenges, or if we reasonably believe there is a prospect of litigation relating to your personal information or dealings.

### **14. How to Contact Us**

Hostess Consumers and Website Visitors: Please contact us by phone at: 1-800-483-7253, by email at: [consumeraffairs@hostessbrands.com](mailto:consumeraffairs@hostessbrands.com) or write to us at:

Hostess Brands, LLC  
Attn: Consumer Affairs  
P.O. Box 15002  
Lenexa, KS 66285-5002