



**PRIVACY POLICY**  
**Effective January 2023**  
**Last Updated: May 28, 2026**

This privacy policy outlines how Railbird Exchange, LLC d/b/a DKeX and its parents, subsidiaries, and affiliates (collectively, “**Exchange**,” “**DKeX**,” “**we**,” “**us**,” or “**our**”) process personal information we collect about beneficial owners, principals, and other representatives of market makers and futures commission merchants (collectively, “**Representatives**”) and individual traders through our websites, mobile applications, trading platform, and related services (collectively, the “**Services**”). If you are a California resident, please see the “Notice to California Residents” section below.

Personal information is information from which you can be directly or indirectly identified, including, but not limited to, your name, email address, phone number, financial account information, Social Security number, and certain online identifiers. The personal information we collect will be processed in accordance with this privacy policy.

By using our Services, you consent to the personal information collection, use, and disclosure practices described in this privacy policy. If you object to the practices described in this policy, please do not use our Services. This policy does not apply to websites, applications, or services that do not display or link to this policy or that display or link to different privacy statements.

**A. Types of Information Collected and How We Collect Them**

1. **Identity Data** includes full name, date of birth, social security number, and other government-issued identification numbers and information of Representatives.
2. **Contact Data** includes email address, mailing address, and telephone numbers of Representatives.
3. **Financial Data** includes, for Representatives, bank statements, audited financial records, and other financial data and, for traders, credit information including, but not limited to, account balances, financial transaction history, credit history, tax information, and credit scores. This information is used to determine your eligibility to use our Services
4. **Profile Data** includes information about trades or other orders made by you, as well as information contained in your feedback and survey responses.
5. **Communications Data** includes information that you provide to us via focus groups, customer support, or other communications between you and us, including emails, texts, and telephone calls that may be recorded, monitored, and retained by us and our service providers and other vendors.



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**B. Personal Information Collected Automatically**

Like most other digital platforms, we collect certain personal information automatically when you visit and use our Services, including:

1. **Location Data** - To provide and improve our Services, comply with our legal obligations, and protect our legal rights, we may collect your IP address and coarse location data.
2. **Usage and Device Data Collected Automatically Through Tracking Technologies** - To provide a personalized and enhanced user experience of our Services, we and our third-party vendors may automatically collect certain types of usage information when you visit or use our Services, read our emails, or otherwise engage with us. We typically collect this information through a variety of tracking technologies, including cookies, Flash objects, pixels, embedded scripts, file information, and similar technology (collectively, "Tracking Technologies"). For example only, we may collect information about your device and its software, such as your IP Address, browser type, internet service provider, platform type, device type, operating system, date and time stamp, a unique ID (that allows us to uniquely identify your browser, mobile device or account), and other similar information. We use Tracking Technologies to aid in advertising our Services, including, but not limited to, on third-party platforms.

Some browsers have options that allow the user to control whether the browser will accept cookies, reject cookies, or notify the user each time a cookie is sent. You may elect to reject cookies by adjusting your settings, but doing so will limit the range of features available to you on our Services. Be sure to read any information provided by your browser developer to understand the limitations of these settings, as they may differ from browser to browser and may not apply to all technologies.

You may also set your email options to prevent the automatic downloading of images that may contain technologies that would allow us to know whether you have accessed our email, used our Services, or performed certain functions with it. For more information about these practices and to understand your options for not having your information collected and used by Tracking Technologies, please visit <http://www.aboutads.info/choices> and <https://www.networkadvertising.org/>.

Various browsers, including, but not limited to, Firefox, Internet Explorer, and Safari, may offer a "Do Not Track" or "DNT" option that relies on a technology known as a DNT header that sends a signal to websites visited about the visiting user's browser DNT preference setting. At this time, we do not respond to "DNT" signals, 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



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signals that would be described in future versions of this policy. For more information on DNT options, please visit [www.allaboutdnt.org](http://www.allaboutdnt.org).

### **C. Personal Information from Other Sources and Third Parties**

We also obtain information from other sources, which we often combine with personal information we collect either automatically or directly from you.

1. **Third Party Data** includes personal information that we collect from third-party businesses and vendors.
2. **Publicly Available Data** includes contact and other information that we and our vendors may collect from publicly available sources. We may combine this information with the information we collect from you directly. We use this information to contact you, to send you advertising or promotional materials, to personalize our Services, and to better understand the demographics of our users.

### **D. How We Use Your Information**

We use the personal information we collect for purposes described in this privacy policy or as otherwise described to you in connection with the provision of our Services. For example, we use your information to:

- **Create and process your account and deliver our Services to you**, including, but not limited to, allowing you to trade on the Exchange, authenticating your identity, handling billing and account management, fulfilling our legal and regulatory obligations including, but not limited to, those applicable to us as a U.S. Commodity Futures Trading Commission designated contract market, and performing other administrative functions;
- **Send you transactional information**, including, but not limited to, confirmations, invoices, technical notices, Services information and announcements, software updates, security alerts, support and administrative messages, and information about your transactions;
- **Communicate with you** such as when we respond to your comments and questions, deliver newsletters or other content tailored to your interests, provide customer service or feedback, contact you about amounts owed, conduct surveys, notify you about upcoming events, or for other purposes related to our Services;
- **Conduct research and analytics** to understand our visitors and customers and tailor our product offerings;
- **Provide you with updates about our Services** that may be offered by us and selected third-party businesses;



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- **Make suggestions and recommendations to you** about Services that are similar to those about which you have inquired or that we believe may be of interest to you, such as providing you with advertisements based on your interests and activity on the Services;
- **Monitor, administer, and enhance our Services**, including, but not limited to, troubleshooting, data analysis, testing, research, technical support, and survey purposes;
- **Enhance the safety and security of our Services and members** and to detect, investigate, prevent, and report fraudulent and other harmful or unlawful activity;
- **Perform audits and protect or exercise our legal rights or defend against legal claims**, including, but not limited to, performing and enforcing contracts and other obligations; and
- **Comply with applicable laws and legal obligations.**

#### **E. Disclosures of Personal Information**

We may disclose your information in the instances described below. For more information about your choices regarding your personal information, see the “Control Over Your Information” section below.

**Authorized Third-Party Vendors & Service Providers:** We share personal information with certain authorized third-party vendors and service providers who help us operate and protect our business and Services, including, but not limited to, those requested or authorized by you. This includes sending emails and conducting business analytics, marketing, and general data processing. For example only, we may share personal information with service providers and other vendors that: provide identity verification or know your customer services; provide technical and customer support; personalize, customize, and improve your use and experience of the Services; send emails, notifications, and other messages; enable security support and technical maintenance; provide analytics services; send newsletters, surveys, promotional materials and advertising related the Services; deliver customized or personalized content; help us understand when consumers have installed our applications; monitor the health and performance of code on users’ devices; enable us to collect feedback; monitor the health of our servers; manage search engine optimization; detect and prevent harmful, malicious, and unlawful uses of our Services; and improve and optimize the performance of our Services.

**Corporate Affiliates:** We may share some or all of your personal information with our corporate affiliates, including, but not limited to, our parents, subsidiaries, joint venturers, and other companies under common control, in which case we will require our affiliates to respect this policy.



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**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 insolvency, bankruptcy, or receivership, your personal information may also be transferred as a business asset.

**Professional Financial and Legal Advisers:** From time to time, we may also need to share your personal 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.

**Other Disclosures:** We may disclose your personal information in the event we, in good faith, believe that such disclosure is necessary: (i) to comply with relevant laws or to respond to discovery requests, subpoenas, or warrants served on us; (ii) in connection with any legal investigation; (iii) to protect or defend the rights or property of the Exchange or users of our website, applications, or other Services; (iv) to investigate or assist in preventing any violation or potential violation of law, this policy, or our terms of service; or (v) in the event we believe that an emergency involving the danger of death or serious injury to any person requires or justifies disclosure of the information. We may also share your personal information for any other purposes not described in this privacy policy with your consent or as required or permitted under applicable law.

**Creation of Aggregated or Anonymized Data:** We may create aggregated or anonymized data (i.e., data that is not reasonably capable of being associated with or linked to you) from personal information we collect from or about you. We use such data to analyze request and usage patterns so that we may develop, improve, optimize, and/or enhance our Services and improve our users' experience with and ability to navigate our websites and applications. We reserve the right to use aggregated and anonymized data for any purpose and to disclose it to third parties for any reason.

## **F. Third-Party Links**

Some of the Services may contain links to content maintained by third parties that we do not control. We are not responsible for the privacy practices of these third parties or the content on the third-party services or websites. The information practices of these third parties are not covered by this privacy policy. Please note that these third-party services and websites have



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their own privacy policies, and we recommend that you read their privacy policies as well as terms of use to understand how they collect, use, and share your information.

### **G. Third-Party Tracking and Online Advertising**

We may participate in internet-based advertising and use third-party advertising companies to serve you advertisements based on your online browsing history and your interests. We may permit third-party online advertising networks and other third-party services to collect information about your use of our Services over time so that they may serve ads on other websites, applications, or services you may use. Typically, though not always, the information used for interest-based advertising is collected through cookies or similar Tracking Technologies. For advertising, we may share a common account identifier (such as email address or other identifier) or hashed data with third-party advertising companies to help identify you across devices. We and such third parties use this information to make the advertisements you see online on other platforms more relevant to your interests, as well as to provide advertising-related services such as reporting, attribution, analytics, and market research.

We are not responsible for the privacy practices of these third parties, which are not covered by this privacy policy. Some third parties are members of the Network Advertising Initiative which offers a way to opt out of ad targeting from member companies. To learn more, please visit: <https://optout.networkadvertising.org/?c=1> or <https://optout.aboutads.info/?c=2&lang=EN>. You may also be able to set your browser to delete or notify you of cookies by actively managing the settings on your browser or mobile device. Please note that some advertising opt-outs may not be effective unless your browser is set to accept cookies. Also, if you use a different device, change browsers, or delete the opt-out cookies, you may need to perform the opt-out task again. You may also be able to limit certain interest-based mobile advertising through the settings on your mobile device by selecting “limit ad tracking” (iOS) or “opt out of interest based ads” (Android).

Google Analytics and Advertising: We may use Google Analytics to recognize you and link your devices when you use our Services on your browser or mobile device or otherwise engage with us. We may share a unique identifier, like a user ID or hashed email address, with Google Analytics. This allows us to better understand how our users interact with our Services and to tailor our ads and content to your interests. For information on how Google Analytics collects and processes data, as well as how you can control information sent to Google, see “How Google uses data when you use our partners’ sites or apps that use our services” located at: <https://policies.google.com/technologies/partner-sites?hl=en-US>. You can learn about Google Analytics’ available opt-out mechanisms, including, but not limited to, the Google Analytics Browser Ad-On here: <https://tools.google.com/dlpage/gaoptout>.



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We may also use certain forms of display advertising and other advanced features through Google Analytics, such as Remarketing with Google Analytics, Google Display Network Impression Reporting, the Double-Click Campaign Manager Integration, and Google Analytics Demographic and Interest reporting. These features let us use first-party cookies (such as the Google Analytics cookie) and third-party cookies (such as the Double-Click advertising cookie) or other third-party cookies together to inform, optimize, and display ads based on your use of our Services. You may control your advertising preferences or opt-out of certain Google advertising products by visiting the Google Ads Preferences manager, currently available at <https://myadcenter.google.com/?hl=en&sasb=true> or <https://optout.networkadvertising.org/?c=1>.

#### **H. Control Over Your Information**

**Account Profile:** You may update certain of your account profile information by logging into your account.

**Access to Your Device Data:** You may control out mobile app's access to your device information in your device's settings.

**How to Control Your Communication Preferences:** You can stop receiving promotional emails from us by clicking on the "unsubscribe" link in the email you receive. You may not opt out of service-related or non-promotional communications such as those regarding identity verification, changes and updates to our Services, or technical, security, and customer support notifications.

#### **I. Notice to California Residents**

This section provides additional details about personal information we collect about California residents and the rights afforded to them under the California Consumer Privacy Act ("CCPA"). Please note that the CCPA does not apply to nonpublic personal information collected by financial institutions such as DKeX, as that information is subject to other financial privacy laws. As a result, the CCPA does not apply to most information that DKeX collects.

Subject to certain limitations and exceptions, the CCPA provides California residents the right to request information about the categories and specific elements of personal information we collect, to delete their personal information, to opt out of any "sale" or sharing of personal information for certain behavioral advertising that may be occurring, and to not be discriminated against for exercising these rights. In order to help DKeX deliver advertising and marketing on other platforms, we allow third parties to collect information through our Services. Please see



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the “Third-Party Tracking and Online Advertising” section above for more information, including opt-out choices available to you.

We have collected the following categories of personal information that may be subject to the CCPA when not used in DKeX’s capacity as a financial institution: identifiers, such as email and IP addresses, coarse geolocation information, and internet or other electronic network activity information such as browsing and usage data. For more details about the information we collect and the categories of sources of this information, please see the “Types of Information Collected and How We Collect Them” section above. We may share this information with the categories of third parties described in the “Disclosures of Personal Information” section above.

California residents may make a consumer rights request for access to certain personal information subject to the CCPA, other than personal information exempted as nonpublic personal information collected by financial institutions, by emailing [privacy@draftkings.com](mailto:privacy@draftkings.com). We may verify the request by asking you to provide information that matches the information we maintain about you. You can designate an authorized agent to exercise these rights on your behalf, but we will require proof that the person is authorized to act on your behalf and may also ask you to verify your identity with us directly.

#### **J. Transfer of Personal Information**

Our Services are currently designed for use only in certain jurisdictions. If you are using our Services from another jurisdiction, your information collected through our services may be stored and processed in the United States or any other country in which DKeX or its parents, subsidiaries, affiliates, or service providers and other vendors maintain facilities or conduct business activities. If you are located in another jurisdiction with privacy or data protection laws that differ from U.S. law, please note that we may transfer your personal information to a country and jurisdiction that does not have the same data protection laws as your jurisdiction.

#### **K. Children’s Privacy**

We do not knowingly collect or solicit any information from anyone under the age of thirteen (13) through our Services. In the event that we learn that we have inadvertently collected personal information from a person under the age of thirteen (13), we will take reasonable steps to delete that information. If you believe that we may have any information from a person under the age of thirteen (13), please contact us at [privacy@draftkings.com](mailto:privacy@draftkings.com).

#### **L. Retention of Your Personal Data**



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We retain the personal information we collect from you where we have an ongoing legitimate business need to do so (for example only, to provide you with a Service you have requested or to comply with applicable legal, tax, or accounting requirements). In certain circumstances, we will need to keep your information for legal or regulatory reasons after our relationship has ended. For example only, we may retain your data for any period prescribed by law, to deal with and resolve requests and complaints, to protect an individual's rights and property, and for litigation and regulatory matters. The specific retention periods depend on the nature of the information, why it is collected and processed, and the nature of any legal or regulatory requirement.

**M. Changes to This Policy**

This privacy policy may be revised periodically in our sole and absolute discretion, and any changes will be effective upon the revised policy being posted to our website and applications. You are responsible for reviewing this policy for any changes, including, but not limited to, changes to our personal information processing practices. Your continued use of our Services following any changes to this privacy policy will indicate your acknowledgement of and consent to such changes, with the understanding that the updated privacy policy applies to all of your personal information, including the personal information collected before the changes went into effect.

**N. How to Contact Us**

Any inquiries or comments regarding your personal information, our privacy practices, this policy, or any reports regarding suspected or confirmed security violations or harmful or unlawful activity, including, but not limited to, fraud should be directed to our privacy team via email to [privacy@draftkings.com](mailto:privacy@draftkings.com).