

ONLINE PRIVACY POLICY

This Policy

At Einstein Noah Restaurant Group, Inc. ("ENRGI"), your privacy is important to us, which is why we have developed this online privacy policy (this "Policy"). This Policy explains how ENRGI and its subsidiaries ("we," "us," and "our") protect your privacy when you use the Web sites that display this Policy (our "Site(s)").

Scope of this Policy

This Policy applies only to the personal information collected through our Sites, including the following Sites:

<http://www.einsteinnoah.com>
<http://www.einsteinbros.com>
<http://www.manhattanbagel.com>
<http://www.noahs.com>

ENRGI owns the Site located at [einsteinnoah.com](http://www.einsteinnoah.com). ENRGI has two subsidiaries: Einstein and Noah Corp. and Manhattan Bagel Company, Inc. Einstein and Noah Corp. owns the Sites located at [einsteinbros.com](http://www.einsteinbros.com) and [noahs.com](http://www.noahs.com). Manhattan Bagel Company, Inc. owns the Site located at www.manhattanbagel.com.

This Policy is part of and incorporated into the Terms of Use published on our Sites. To review our Terms of Use, click on the link marked "Terms of Use" at the bottom of each page of our Sites.

Effective Date of This Policy

This Policy is effective as of February 8, 2008.

Questions About This Policy

If you have any questions regarding this Policy or our privacy practices:

- Send an e-mail to guestservices@einsteinnoah.com and write "Privacy Policy" in the subject line
- Write to us at: 555 Zang St., Suite 300, Lakewood, CO 80228
- Call 1-800-BAGEL ME

Your Consent to This Policy

By using one of our Sites, you are agreeing to the collection, use and disclosure of your personal information as described in this Policy. If you do not consent to the collection, use and disclosure of your personal information as described in this Policy, you may not use our Sites.

What is "personal information"?

As used in this Policy, the term "personal information" means information that identifies you personally, either alone or in combination with other information available to us.

Privacy Notices

This Policy may be supplemented or amended from time to time by "Privacy Notices" posted on the pages on which we collect your personal information. Generally, Privacy Notices provide details about the personal information we collect

on those pages, why we need that information, and choices you may have about the ways we use that information.

Click-Through Agreements

This Policy may be supplemented or amended by the terms of a “click-through” agreement between you and one or more of us. For example, when you register to use a password-protected area of a Site, you may be asked to agree to special terms governing your use of that area of the Site. In such cases, you will be asked to expressly consent to the special terms, for example, by checking a box or clicking a button marked “I agree.” If the terms of the “click-through” agreement are different than the terms of this Policy, the terms of the “click-through” agreement will supplement or amend this Policy, but only with respect to the matters governed by the “click-through” agreement.

This Policy May Change

We reserve the right to update or modify this Policy, at any time and without prior notice, by posting the revised version of the Policy on our Sites. The changes will only apply to the personal information we collect after we have posted the revised Policy on our Sites. Your use of any one of our Sites following any such change constitutes your agreement that all personal information collected from or about you through our Sites after the revised Policy is posted will be subject to the terms of the revised Policy.

To alert you to changes in this Policy, we will provide a notice at the top of this page for at least 30 days after the new effective date. Unless the change is a minor change (such as a change in our contact information or in our list of Sites) or a non-substantive change (such as the reformatting of our Policy), we will also post notices on our home pages and/or on the relevant pages of our Sites for 30 days after the new effective date to alert you to the change.

You may access the current version of this Policy at any time by clicking on the link marked “Privacy Policy” at the bottom of each page of our Sites.

What Personal Information Do We Collect on Our Sites and How Do We Use It?

There are several ways we collect personal information on our Sites:

Information You Provide. We collect the personal information you knowingly and voluntarily provide (about yourself and others) when you use one of our Sites, for example, the information you provide when you register or update your member profile, purchase a gift or gift card, place a catering order, submit a resume, or ask to be added to our mailing list.

We use the personal information you volunteer through our Sites to provide the information, products and services you request, to personalize your experience on our Sites, to provide customer service, and for any other purpose we identify in a specific Privacy Notice. We do not add your personal information to our mailing list unless you request to be placed on our mailing list.

At some of our Sites, you can submit information about other people. For example, if you order a gift or gift card or certificate online and want it sent directly to the recipient, you must submit the recipient's name and address. We use this information to send your gift to the recipient. We also store this information so that you do not have to reenter it the next time you send a gift to the same recipient. We do not use this information to add the recipient to our mailing lists. On some of

our Sites, you can e-mail a message to a friend by entering your friend's name and e-mail address. We use the information you provide to personalize and send the message to your friend. We do not use this information to add your friend's name to our mailing lists.

Some of our Sites have "Career" areas where you can search for open positions and apply for a job with us. When you submit an employment application, we ask you to provide certain personal information, including, but not limited to, your name, address, telephone number, e-mail address, social security number, driver's license number, and employment history. If you send us an e-mail to inquire about a position, the information we receive is the information you include in your cover letter, resume and e-mail message (we will also automatically receive your e-mail address). Please note that by submitting your information regarding employment opportunities to us, you authorize us to transmit and store your information in our recruitment database, to circulate that information as necessary for the purpose of evaluating your qualifications for job vacancies at ENRGI and/or its subsidiaries, and to contact you about a possible employment opportunity. If you are hired by ENRGI or one of its subsidiaries, the information you provide during the recruiting process will become part of our employee records. The Career areas of our Sites are powered by Monster. To learn more about the services Monster provides, please visit Monster.com.

Information Provided by Others. From time to time, we may supplement the information you give us with information from third parties, including our franchisees and data brokers. For example, we may supplement your profile with demographic and preference information that is supplied to us for each zip code in our database. By supplementing your profile, we are better able to provide product recommendations and special offers that will be of genuine interest to you. We may also use this additional information to further personalize our Sites and improve your experience while you are on our Sites.

Information Sent to Us by Your Web Browser. We collect information that is sent to us automatically by your Web browser. This information typically includes the IP address of your Internet service provider, the name and version of your operating system, the name and version of your browser, the date and time of your visit, and the pages you visit. The information we receive depends on the settings on your browser. Please check your browser if you want to learn what information your browser sends or how to change your settings. Generally, we use this information to create statistics that help us improve our sites and make them more compatible with the technology used by our visitors.

The information provided by your browser does not identify you personally. However, we may review our server logs for security purposes, such as detecting intrusions into our network. If we suspect criminal activity, we might share our server logs – which contain visitors' IP addresses – with the appropriate investigative authorities who could use that information to trace and identify individuals. In addition, if you access this site through an e-mail we have sent you, or if you've created a "user identity" during one of your visits, we may link the information provided by your browser to information in our records that identifies you personally.

With Whom Do We Share Personal Information?

Our Affiliates. The ENRGI family of businesses consists of ENRGI and its wholly-owned subsidiaries, Einstein and Noah Corp. and Manhattan Bagel Company, Inc. We share personal information within the ENRGI family of businesses for use in accordance with the Policy. For example, if you apply for a job at ENRGI, we may share your resume with our subsidiaries for the purpose of evaluating your qualifications for job vacancies and to contact you about a possible employment opportunity with one of our subsidiaries.

Service Providers, In General. We share personal information collected through our Sites with companies and organizations that perform services on our behalf, for example, companies that provide support services to us (such as credit card processing services, data storage services, and web hosting services) or that help us market our products and services (such as third-party e-mail marketing companies). These third parties are required by contract to use the personal information we share with them only to perform services on our behalf and to treat your personal information as strictly confidential.

Monster.com. The "Careers" area of each Site that has a Careers area is powered by Monster. When you submit registration information and/or your resume using these areas of our Sites, your information and your resume are hosted on a special, segregated area of Monster's servers, but your information and resume are not viewable or obtainable by any entity other than ENRGI, its subsidiaries and Monster. In the future, if you attempt to register with or send a resume to either Monster or to the Careers area of another company's Web site that happens to be hosted by Monster, you may be invited to activate your resume on Monster and such other Web site. If you allow Monster to activate your resume, Monster will retain your registration information and will put your resume into its general database for viewing and downloading by Monster's employer and agency clients, as if you had originally registered with and posted your resume on Monster. In such case, Monster's handling of your registration information and your resume will be subject to Monster's privacy commitment which can be found at <http://about.monster.com/privacy/>.

Franchisees. Many of our stores are owned and operated by our franchisees. We do not currently share the information we collect through this Site with our franchisees, except to provide the products, services or information you request. For example, if you place a catering order at www.einsteinbros.com we will share the information needed to fill your order and provide customer service to you with the appropriate store location.

Joint Promotions. We sometimes offer content (for example, products or promotions) that is sponsored by or co-branded with third parties. By virtue of these relationships, these third parties may obtain the personal information that you submit when you participate in the activity. We will post a Privacy Notice on the pages on which you provide personal information, providing details such as the identity of the third party and the choices you may have. In some cases, we may link to the third party's privacy policy so that you will know what privacy promises the third party has made.

Business Transfers. Information submitted to our Sites will become part of our normal business records. Your personal information may be transferred to another company (either an affiliate or an unrelated third party) that has acquired the stock

or assets of ENRGI, one of our affiliates, or one of our operating divisions, for example, as the result of a sale, merger, reorganization, or liquidation. If such a transfer occurs, the acquiring company's use of your personal information will still be subject to this Policy and the privacy preferences you've expressed to us. In other words, the acquiring company will "step into our shoes" and use your personal information only as we would have been permitted to do under this Policy.

Protection of Our Site and Others. We may disclose personal information you provide through our Sites when we, in good faith, believe disclosure is appropriate to comply with the law (or a court order or subpoena); to prevent or investigate a possible crime, such as fraud or identity theft; to enforce or apply our Terms of Use and other agreements; to protect the rights, property or safety of ENRGI and/or its subsidiaries, our users or others; or to protect your vital interests.

Unsubscribing From Our Mailing List

If you subscribe to our mailing list, we will send you e-mail and other communications containing information or offers we think will interest you. You can choose not to receive future promotional e-mails or communications from the ENRGI family of brands by using one of the methods described in the next section of this Policy (Reviewing and Updating Your Information). In addition, you may "unsubscribe" from receiving future promotional e-mails by using the "opt-out" procedure described in the next e-mail you receive or use.

Reviewing and Updating Your Information

You can review, correct, update, or, in some cases, request the deletion of your personal information at any time in the following ways:

- Send us an e-mail at Send an e-mail to guestservices@einsteinnoah.com, writing "Privacy Policy" in the subject line
- Write to us at: 555 Zang St., Suite 300, Lakewood, CO 80228
- Click on "Member Profile" at www.einsteinbros.com or www.noahs.com
- Click on "Contact Us" on any of our Sites

If you access your "Member Profile," you will be able to review, correct or update your personal information yourself. You will also be able to "opt-in" or "opt-out" of our mailing list. If you ask us to correct, update or delete your personal information, you must give us enough information so that we can locate you in our databases. Although we will honor some requests to delete information, there are circumstances under which we will not do so.

Links to Other Sites Operated by Third Parties

Each of our Sites contains links to one or more of our other Sites. Our Sites may also contain links to third-party Web sites that we do not control. This Policy applies only to personal information collected on and through our Sites. It does not apply to personal information collected on third-party Web sites. If you access other Web sites through a link on this Site, please take a few minutes to review the terms of use and privacy statement posted on each Web site you visit.

Security

SSL Protection. When you log in or begin the checkout process within our Sites, we require that a secure connection between your computer and our server be established. We use a technology called Secure Socket Layers (SSL), an encryption technology that works with most browsers. A secure connection is maintained until you leave the secure area of the Site.

Although we use SSL encryption to safeguard the confidentiality of personal information as it travels over the Internet, "perfect security" does not exist on the Internet and we can not guarantee the safety of transmitting personal information over the Internet.

Password Protection. Certain areas of our Sites are password protected. You are responsible for maintaining the confidentiality of your passwords. We have the right to assume that anyone accessing our Sites using a password assigned to you has the right to do so. You will be solely responsible for the activities of anyone accessing our Sites using a password assigned to you, even if the individual is not, in fact authorized by you. You agree to notify us promptly at customerservice@einsteinnoah.com if you have reason to believe that your password may have been compromised or used without authorization.

Children

The Site is not directed nor targeted to children under the age of 13. We do not use the Site to knowingly solicit data from or market to children under the age of 13. You must be 18 years of age to join our email database. If you are under the age of 13, do not provide us with any personal information. If we learn that someone under 13 has provided personally identifiable information to this Site, we will use reasonable efforts to remove such information from our databases.