

## ENERGYRM PRIVACY POLICY

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Effective: July 1, 2020

This **ENERGYRM PRIVACY POLICY** (“Policy”) describes the types of Personal Information EnergyRM may collect from you or about you, how such Personal Information is being collected, how it is being processed, maintained, and protected. EnergyRM may change this Policy at any time. The above date indicates when the Policy was last updated. Please check this Policy from time to time for updates.

The Policy applies to Personal Information that EnergyRM may collect on the EnergyRM Platform website (“Website” or “EnergyRM Platform”, used interchangeably), from email and other electronic communications we may have with you in connection with or related to your access of the EnergyRM Platform or your use of any other EnergyRM web-based services and products, or from third party sources.

### I. WHAT INFORMATION WE COLLECT ABOUT YOU?

Personal information is generally defined as information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, to a particular individual (“Personal Information”). Personal Information includes identifiers (name, alias, postal address, unique personal identifier, email address, online identifier Internet Protocol address, social security number, driver’s license number, passport number, or other similar identifiers), commercial information (including products or services purchased, obtained, or considered, or other purchasing or consumer histories, or tendencies), biometric information, financial information (bank account numbers). Personal Information may also include detailed energy usage information when associated with any information that can reasonably identify an individual, family, household residence, or other non-residential customer. Personal Information may be referred to as PII (Personally Identifiable Information).

The categories of Personal Information that EnergyRM may collect about you are described below.

<b>Categories of PII</b>	<b>Examples of PII that may be collected by EnergyRM</b>
Individual Identifiers	First and last names, postal address, IP address, email address.
Commercial Information	EnergyRM services and products subscribed to, property addresses for the sites scoped for EnergyRM services, square footage and occupancy details of such properties; utility billing /energy efficiency metering/remits information.
Website Usage	Website usage information, browsing history, search history.
Energy Usage	Utility bills/energy usage information from utility billing history, current energy use, energy efficiency upgrades, existing performance, expected future performance forecasts.

EnergyRM **does not** use the EnergyRM Platform or its other related web-based services and/or products to collect information on your political views, or religious beliefs, or your membership in trade unions or other employee associations, or your health or medical information, or your biometric data, or your sexual orientation, or your sex life, or your criminal history information.

## **II. HOW WE COLLECT YOUR INFORMATION?**

This section of the Policy describes how we may collect your Personal Information and how we use it.

### **A. Automatic Collection of Personal Information.**

When you access the EnergyRM Platform, EnergyRM automatically collects certain information about your usage of the Website and the EnergyRM web-based services or products.

As you navigate through and interact with our Website, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions and patterns, including:

- Details of your visits to our Website, such as traffic data, location data, logs and other communication data and the resources that you access to use on the Website.
- Information about your computer and your internet connection such as your IP address, operating system and browser type.

To collect this information, we use cookies and other technologies, such as Google Analytics. If you choose to remove cookies, certain features or services of our Website may be affected. You may learn more about automatic collection of Personal Information from our Cookies Policy. To better understand how this information is being used by EnergyRM, please refer to Section III below.

### **B. Direct Collection of Personal Information**

Direct collection of information covers those situations when you yourself provide your Personal Information to us. Such information may include your name, postal address, email address, phone number and other similar information you provide when you set up your account, when you access the EnergyRM Platform and/or create your user profile, or in response to questionnaires relating to the EnergyRM Platform and other EnergyRM web-based products or services.

### **C. Personal Information Collection from Third Parties.**

EnergyRM may collect, use, process, or store your Personal Information that may be made available to EnergyRM by third parties. This data collection is subject to the terms and conditions of the contract(s) in place between EnergyRM and those third parties. Such third parties may include your landlord or your utility company.

### III. HOW DOES ENERGYRM USE OR PROCESS YOUR PERSONAL INFORMATION?

We use Personal Information we collect for the purposes described in this Policy to the extent necessary for you to access and use the EnergyRM Platform or other EnergyRM web-based services or products, and for EnergyRM to provide such products and services to you. For example, EnergyRM may use your Personal Information to:

- Provide access to the EnergyRM Platform, to perform related services and/or to deliver other EnergyRM web-based services or products to you;
- Verify your eligibility to access the EnergyRM Platform and/or receive other EnergyRM web-based services or products;
- Operate and improve the EnergyRM Platform and other EnergyRM web-based services and/or products, to develop enhancements and/or to create new features and/or functionalities that would better meet your needs and/or needs of our clients;
- Better understand your interests and preferences in order to enhance the customer experience with the EnergyRM Platform and other EnergyRM web-based services and products;
- Respond to your inquiries and to provide customer support and troubleshooting support;
- Market products and services to the extent permitted by applicable laws or regulations;
- Keep our products and services secure;
- For statistical and analytical purposes;
- Send confirmations, process invoices, technical notices, updates, security alerts, deliver administrative messages, facilitate payments for our products and services and to perform other similar support and administrative tasks;
- Enforce our terms and conditions or protect our business, partners, clients, or users;
- For any other purpose you consent to.

When we process your Personal Information, we will only do so where at least one of the following bases applies:

- We need to use your Personal Information to **perform our responsibilities under our agreement** with you and to provide you with our products and services;
- We have a **legitimate reason** to collect and use your Personal Information. For example, we have a legitimate business interest to improve our products and services, to develop and expand our business, or to let you know about our offers, new products or services;
- You have given us **consent** to use your Personal Information for certain purposes. This consent may be withdrawn by you either by opting out when given the opportunity to do so, or by submitting your request using the contact details provided below;
- It is necessary for us to use your Personal Information in order **to comply with a legal obligation**;
- **You have** chosen to make your Personal Information **public**.

### IV. DISCLOSURE OF INFORMATION.

EnergyRM works to keep your Personal Information confidential. In some circumstances, we may disclose or share your Personal Information with third parties, for example:

- We may share your Personal Information to fulfill our contractual obligations, to provide you access to the EnergyRM Platform and to deliver you the EnergyRM Platform services and other EnergyRM web-based services and products;
- We may provide your Personal Information to our contractors, service providers, partners, and/or other third parties we use to support our business. These third parties are bound by contractual obligations to keep your Personal Information confidential and use it only for the purposes for which we disclose it to them;
- We may share your Personal Information with our current and future subsidiaries and affiliates to the extent it may be necessary for us to process your Personal Information or to fulfill our contractual obligations to you. We will require our affiliates and subsidiaries to comply with this Policy;
- We will disclose your Personal Information to third parties in connection with or during negotiations of any merger, acquisition, divestiture, restructuring, reorganization, financing, dissolution, bankruptcy or other similar transaction. We may also share your Personal Information with our auditors, attorneys, or other advisors in the connection with corporate functions;
- We may disclose your Personal Information to fulfill the purpose for which you provided it to us;
- We will disclose your Personal Information to comply with legal requirements, such as in response to a court order or a subpoena. We may also disclose your Personal Information to respond to any government or regulatory request, or where we believe it is necessary to prevent, investigate, verify or take action with respect to actual or suspected illegal activities, suspected fraud, or as otherwise required or permitted by applicable law or regulations;
- We will disclose your Personal Information in order to establish, exercise, or enforce the EnergyRM Platform access and use terms as set forth in the applicable agreements, including for billing and collection purposes, or any other actual or suspected violation of our agreements, or to assert or defend any other EnergyRM legal rights;
- We will disclose or share your Personal Information if we believe disclosure is necessary or appropriate, to protect your rights, property, or safety of the rights, property, or safety of EnergyRM, our customers or any third parties. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction;
- For any other purpose disclosed by us to you when you provide your Personal Information;
- With your prior express consent.

EnergyRM may use or disclose to third parties aggregated and anonymized or pseudonymized information collected about or from our users for statistical or analytical purposes, or to enhance or improve the EnergyRM Platform or other EnergyRM web-based services or products, or for marketing purposes, research, or external training. Anonymized and aggregated information does not identify individual users and, therefore, is not deemed to be Personal Information.

Note that third parties whose services you may use in connection with the EnergyRM Platform and other EnergyRM web-based services and products may have Personal Information collection and processing practices different from ours. This Policy does not apply to the activities or practices of third parties when they are collecting or using information for their own purpose or on behalf of others. EnergyRM is not responsible for the activities of these third parties. We encourage you to review their privacy policies and notices to understand how they may use your information that they collect and process.

## V. DATA SECURITY.

EnergyRM has implemented and maintains reasonable and appropriate physical, electronic and procedural safeguards in connection with the collection, processing, storage and disclosure of Personal Information. We have taken measures that are designed to secure your Personal Information from accidental loss and from unauthorized access, use, alteration and disclosure. However, you are also responsible for keeping your Personal Information safe and secure. Please treat the login details you use to access the EnergyRM Platform in strict confidence and do not share them with anyone, use strong passwords, and take any other reasonable steps to help prevent others from accessing your accounts and your information. You also must comply with the restrictions and other terms and conditions of use of the EnergyRM Platform and other EnergyRM web-based services or products that are set forth in the applicable agreement executed by EnergyRM and your employer or the party through whom you received access to the EnergyRM Platform (for example the party for whom you act as an agent, or a representative, or a consultant). If you are not aware if any such agreements are in place, please contact EnergyRM at [legal@energyrm.com](mailto:legal@energyrm.com).

Even if EnergyRM takes reasonable steps to protect Personal Information about you that we collect, no data transmission over the Internet can be entirely secure and no company can fully eliminate security risks associated with collection, usage, storage, or any other processing of information. **Despite our security safeguards, we cannot guarantee that your Personal Information will be protected from interception, misappropriation, misuse or alteration, or that it will not be disclosed or accessed by accidental circumstances or by unauthorized actions outside of EnergyRM's control. EnergyRM is not responsible for circumvention of any privacy settings or implemented security measures.**

Information collected by EnergyRM may be stored on your computer, on your mobile device, or on our servers, or the servers of third parties (for example, Amazon Web Services). It may be transferred to, accessed from, or stored and processed in the United States and other countries where EnergyRM maintains or will maintain facilities, servers, or support centers. These countries may include jurisdictions that may not have data privacy or data protection laws that provide protections equivalent to those provided in your home country. However, EnergyRM will take reasonable steps to ensure that your Personal Information is treated in accordance with this Policy and applicable law.

## VI. DATA RETENTION.

We will retain your Personal Information for as long as your access to the EnergyRM Platform remains active or as needed for us to provide you the EnergyRM Platform related services and other EnergyRM web-based services and products contracted for.

In certain circumstances we may retain your Personal Information after you have closed your account, provided, however, that we have legitimate reasons to do so. For example, we may need to retain your Personal Information to comply with our record keeping requirements, legal obligations, or to enforce our agreements and legal rights, to prevent fraud, or to take any other actions required or permitted by applicable law. Additionally, we may retain your Personal Information to send you details about our products or services that we think you might be interested in. If you choose to not receive such information, you can “unsubscribe” from receiving such communications by using the opt-out link or contacting us at [privacy@energyrm.com](mailto:privacy@energyrm.com).

## **VII. WHAT DATA PROTECTION RIGHTS DO I HAVE AND HOW CAN I EXERCISE THEM?**

You have certain rights in your Personal Information, subject to applicable local data protection laws. For example, if you are based in the European Economic Area (EEA), then you have the right to:

- Receive notice about our collection of your Personal Information and the purposes for which it is being collected and/or processed;
- Request us to confirm whether or not we collect or process your Personal Information;
- Request us to provide you with details about your Personal Information that we process;
- Request us to take into consideration your valid objection to the processing of your Personal Information by us (including the right to object to processing on grounds relating to your circumstances where we are relying on our legitimate interests as a legal basis for processing your Personal Information);
- Request us to rectify or delete your Personal Information which is being processed or stored by us;
- Restrict our processing of your Personal Information;
- Request us to transfer your Personal Information to a third party (i.e. your data portability right);
- Request us to treat your previously provided consent as withdrawn (in which case we may no longer rely on your consent as our legal basis for processing your Personal Information; provided, however, that this change does not invalidate other legal bases that we may have to process your Personal Information).

If you are a consumer residing in California, you have the following rights in relation to your Personal Information:

- The right to know what consumer Personal Information is being collected and/or processed by EnergyRM;
- The right to know whether any of your Personal Information is sold or disclosed to a third party, and to whom such information is sold or disclosed;
- The right to object to the sale of your Personal Information;
- The right to access your Personal Information;
- The right to receive equal services and prices regardless of whether or not you choose to exercise your data privacy rights.

If you wish to exercise any of the above rights or have questions about them, please submit your request [here](#). Alternatively, you may send your request to [privacy@energyrm.com](mailto:privacy@energyrm.com) or contact us by phone: +1.503.490.8808

## **VIII. WHO CAN I CONTACT WITH QUESTIONS ABOUT COLLECTION, STORAGE, USE, AND SECURITY OF MY PERSONAL INFORMATION THAT IS BEING COLLECTED?**

If you have questions concerning your Personal Information that EnergyRM may collect, process, or store, please send your inquiries to [privacy@energyrm.com](mailto:privacy@energyrm.com).