

BLUEPEAK – PRIVACY POLICY

If you are a resident of Texas, you may have additional options and/or rights concerning your data; please see this [TX Privacy Policy addendum](#) to learn more.

Contents

1. OVERVIEW	2
1.1. MODIFICATION OF THIS PRIVACY POLICY	2
1.2. WHEN THIS PRIVACY POLICY APPLIES	2
2. TYPE OF DATA COLLECTED; SOURCE OF DATA	3
2.1. DATA YOU DIRECTLY PROVIDE TO US	3
2.2. DATA AUTOMATICALLY COLLECT ABOUT YOU	3
2.3. DATA WE COLLECT FROM OTHER SOURCES	4
3. HOW WE USE YOUR DATA	5
4. WHO WE SHARE YOUR DATA WITH & THE PURPOSE OF DISCLOSURE	6
5. HOW WE PROTECT YOUR DATA	8
6. RETENTION OF YOUR DATA	8
7. YOUR CHOICES ABOUT YOUR DATA	8
7.1. ACCESSING AND CORRECTING YOUR DATA	8
7.2. AUTOMATIC TRACKING TECHNOLOGIES	8
7.3. OUR EMAIL MARKETING TO YOU	9
7.4. DO NOT TRACK SIGNALS	9
8. LINKS TO OTHER THIRD-PARTY DIGITAL ASSETS	10
9. CHILDREN UNDER THE AGE OF 18	10
10. INTERNATIONAL VISITORS	10
11. HOW TO CONTACT US	10

BLUEPEAK – PRIVACY POLICY

1. Overview

This privacy policy (“**Privacy Policy**”) describes: (a) how Clarity Telecom, LLC d/b/a Bluepeak (“**Bluepeak**”, “**we**”, “**our**”, or “**us**”) collects, uses, retains, shares, or otherwise processes (“**process**”) your data; (b) your rights regarding your personal data (as defined below); and (c) how to exercise those rights. Please read this Privacy Policy carefully to understand our policies and practices regarding your data and how we will treat it. Wherever appropriate in this Privacy Policy, a singular term shall be construed to mean the plural where necessary, and a plural term the singular.

1.1. Modification of This Privacy Policy

This Privacy Policy may be modified from time to time. We advise you to frequently check this Privacy Policy for any changes. The date this Privacy Policy was “last revised” is at the top of this page. If we make a material change to this Privacy Policy, we will publish the updated Privacy Policy to: <https://mybluepeak.com/privacy-policy/>. We may also provide notice of such changes to you in other ways, at our discretion, such as emailing you at the email we have on file for you or displaying a notification banner on the homepage of our Site or the main page of our Mobile App. **YOUR USE OF THE PLATFORM, AND CONTINUED USE OF THE PLATFORM FOLLOWING ANY CHANGES TO THIS PRIVACY POLICY, SIGNIFIES THAT YOU HAVE READ AND UNDERSTAND THE TERMS OF THIS PRIVACY POLICY. IF YOU DO NOT AGREE WITH THE TERMS OF THIS PRIVACY POLICY, YOUR CHOICE IS TO NOT USE PLATFORM.**

1.2. When This Privacy Policy Applies

This Privacy Policy applies to the data we collect from or about you when you take the following actions (collectively, the “**Platform**”):

- (a) visit or interact with our website, <https://mybluepeak.com/> (“**Site**”);
- (b) legally download, access, or use our mobile application (“**Mobile App**”);
- (c) interact with us online via chat bot, email, social media, or through advertising (collectively with Site and Mobile App, “**Digital Assets**”);
- (d) interact with any Digital Asset where this Privacy Policy is referenced or linked;
- (e) participate in one of our sweepstakes, contests, or promotions;
- (f) visit one of our brick & mortar stores (each, a “**Store**”); or
- (g) interact with us offline via telephone or at an in-person event (“**Offline**”).

This Privacy Policy does not apply to your data if you:

- (i) provide it to us in connection with accessing, using, or purchasing our Cable Television, Telephone, and/or High-Speed Internet (“**Services**”);
- (ii) if we’ve provided you with an alternate privacy policy at the time of collection; or
- (iii) if you interact with third-party digital assets that are linked to or accessible from the Digital Assets.

2. **Type of Data Collected; Source of Data**

The types of data we collect about you depend on your interactions with us and on our Platform. In this section, we describe the categories of data we collect, organized by the sources of this data.

By interacting with the Platform, you grant us the right to use your data to enable us to provide the Platform to you, to improve the Platform, and other for uses as stated in this Privacy Policy and in any ancillary agreements you may have entered with us related to our Platform. If you do not provide your data when requested, you may not be able to use our Platform or certain features of our Platform in whole or in part: (a) if that data is necessary to provide you with our Platform or such features; or (b) if we are legally required to collect the requested data.

2.1. Data You Directly Provide to Us

We may collect the following data that you provide directly to us:

- (a) Personal Data. Data by which you may be personally identified such as first and last name, phone number, email, physical address, or any other data that could be used to identify you or that could identify you when associated with such identifiable data (“**personal data**”).
- (b) Demographic Data. Data that is about you, but that as an individual piece of data does not specifically identify you.
- (c) Communications Data. Data contained in your communications with us through our Platform, such as when you request additional information about our Platform, provide us with feedback, or interact with our employees, including personal data used to contact you, the date and time of your communications, and the content of your communications.
- (d) Sensory Data. Visual data that shows your movements or actions in our store, as part of our security surveillance systems, but does not include audio recordings.

2.2. Data Automatically Collect About You

As you navigate through and interact with our Platform, we, our service providers, or other third parties may use cookies, log files, pixels tags, and other client-side or server-side automatic data tracking technologies (“**Automatic Tracking Technologies**”), to collect certain data about your equipment, browsing actions, and patterns, including the following types of data:

- (a) Device Data. Data generated when you interact with the Platform, such as technical data about your device used to interact with the Platform, including your IP address, unique identifiers and device type, domain, browser type, version, and language, operating system and system settings, and similar device data.
- (b) Usage Data. Data about your visits to and usage of our Platform including: usage details (i.e., date/time/duration on a given Digital Assets page), traffic data, logs, general location and time zone based on your IP address, heat maps that show where your mouse is on a Digital Assets page, other communication data and the resources that you access and use on the Digital Assets, and navigation paths within the Digital Assets. This data may include links clicked, Digital Assets page views, searches, features used, items viewed, or time spent on the Digital Assets.

The Automatic Tracking Technologies we may use include the following:

- (i) Cookies (or browser cookies). A cookie is a small file placed on the hard drive of your computer or device used to access the Platform. You may refuse to accept browser cookies by activating the appropriate settings on your browser. However, if you select this setting, you may be unable to access certain parts of our Digital Assets. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Digital Assets.
- (ii) Flash Cookies. Certain features of our Digital Assets may use locally stored objects (or Flash cookies) to collect and store data about your preferences and navigation to, from, and on our Digital Assets. Flash cookies are not managed by the same browser settings as are used for browser cookies.
- (iii) Log Files. Log files are software-generated files containing data about the operations, activities, and usage patterns of an application, server, or IT system, such as what was done and at what time.
- (iv) Web Beacons. Pages of our Digital Assets may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit us, for example, to count users who have visited those pages or for other related Digital Assets statistics (for example, recording the popularity of certain Digital Assets' content and verifying system and server integrity).

2.3. Data We Collect from Other Sources

We may receive the data described above from other sources such as service providers and other third parties who help us provide the Platform or market our Platform to you. These other sources include the following:

- (a) Service Providers. We may use service providers to provide the Platform to you or for any other purpose described in the How We Use Your Data section below. These service providers have contractual obligations with us to use the data we provide to them to carry out the purpose in which we provide it and for no other purpose. This may include your data.

- (b) Other Third Parties. We may use other third parties to assist us with providing the Platform to you or for any other purpose described in the How We Use Your Data section below, and so we may provide such third parties data about how you interact with our Platform, marketing campaigns, or events in which we and you participate. These third parties' privacy policies govern the collection and disclosure of your data by such third parties.
 - (i) *Affiliates or Subsidiaries*. Our affiliates or subsidiaries may share data from or about you with us in connection with us providing the Platform to you or for any other purpose described in the How We Use Your Data section below.
 - (ii) *Data Providers*. We may use data providers to collect additional data about you which assists us with improving the Platform, marketing our Services to you, or for any other purpose described in the How We Use Your Data section below.

In addition to the types of data and sources of data we describe above, we may also draw inferences or derive data about you based on other types of data we collect to create a profile reflecting your interest, preferences, and characteristics. We may use this data to enhance your experience on the Platform, to track analytics about the usage of our Digital Assets, or to serve advertisements, including targeted advertisements to you.

3. How We Use Your Data

We may use your data in the following ways:

- (a) Provide and Improve our Platform. To effectively deliver the Platform to you as well as to, administer, present, support, maintain, and improve our products or services.
- (b) Communicate with You. To communicate with you, including when you request additional information from us, or when we contact you about your account, such as reminders about your subscription renewal, a material change to our policies that affect you, or in connection with the products or services you have purchased from us.
- (c) Advertise and Market to You. To send advertising or marketing communications (including targeted advertisements) about products or services offered by us and others, to provide news and information that we believe may be of interest to you, and to analyze and enhance our marketing communications and strategies. For information about managing your marketing preferences, see the Your Choices About Your Data section below.
- (d) Aggregated or De-identified Data. We may aggregate your data that we have about you with other data we hold or de-identify such data. We may use, without restriction, data that is aggregated or de-identified and is maintained in a form that

cannot reasonably be used to infer data about, or otherwise be linked to, a particular individual or household.

- (e) Provide Safety and Security. To detect and protect against malicious, deceptive, or illegal activity, including fraudulent transactions, errors, negligence, violations of any applicable terms, security incidents, and harm to the rights, property, or safety of us and our users, customers, employees, or others.
- (f) Troubleshoot. To identify and debug errors that impair the existing intended functionality of our Platform.
- (g) Facilitate Corporate Transactions. In anticipation of or in connection with a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Bluepeak's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which the data held by Bluepeak is among the assets transferred.
- (h) Obtain Your Consent. In accordance with: (i) the way we describe to you how we will use data when you provide such data to us; (ii) your instruction or intentional direction; or (iii) any other way when you consent.
- (i) Comply with Legal Obligations. To comply with our legal or regulatory obligations, including our tax obligations and those related to the prevention of fraud and money laundering, or any regulatory requirements or provisions.

4. Who We Share Your Data With & the Purpose of Disclosure

We may disclose data that we collect from you or that you provide as described in this Privacy Policy to those who fall within the following categories and for the purposes set forth below:

- (a) Service Providers. We disclose data to unaffiliated companies or individuals that we engage to perform services on our behalf, including customer support, web hosting, software developers, information technology services, database management, and direct mail and email distribution. These service providers may have access to data we collect from you to perform the specific services we request from them.
- (b) Other Third Parties.
 - (i) *Joint Marketing Partners*. We engage certain third parties to joint market our products or services to you, along with such third parties' products or services. In such cases, we may disclose data about you to them.
 - (ii) *Analytics and Advertising*. We engage certain third parties to provide analytics services, serve advertisements, and perform related services across the web and in mobile applications. These entities may use Automatic Tracking Technologies to collect data about your use of the Platform and use of other third-party digital assets, including your IP address and other

identifiers, web browser network information, pages viewed, time spent on pages or in mobile apps, links clicked, and conversion data. These third parties may use this data to deliver advertisements across the web and in mobile applications that are more relevant to you, to analyze and track data, to determine the popularity of certain content, and to better understand your online activity.

The activities described above may constitute “targeted advertising,” “sharing,” or “selling” under certain laws. For information on opting out of having your data used for these purposes, please see the Your Choices About Your Data section below.

- (iii) *Affiliates / Subsidiaries.* We may disclose your data to our parent company, subsidiaries, and other companies under common ownership or control with us for purposes consistent with this Privacy Policy.
- (c) Corporate Transaction. We may disclosure or transfer your data in anticipation of or in connection with a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Bluepeak’s assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which data held by Bluepeak is among the assets transferred.
- (d) Law Enforcement Authorities and Individuals Involved in Legal Proceedings. We disclose data when we believe doing so is reasonably necessary to comply with applicable law or legal process (including an enforceable request from authorities), to respond to claims (including inquiries by you in connection with your purchases from us), enforce or apply our other policies, or to protect the rights, property, or personal safety of us, our users, employees, or others.
- (e) Professional Advisors. We may disclose your data to professional advisors, such as lawyers, bankers, auditors, and insurers, where necessary in the course of the professional services that they render to us.
- (f) Your Consent or at Your Direction. We disclose data to third parties when we have your consent or direction to do so. We may also disclose your data to third parties when you expressly direct us to do so or when you use our products or services to intentionally interact with third parties. In these cases, we disclose your data to carry out your request.
- (g) Aggregated, Anonymized, or De-identified Data. We may also disclose aggregated, anonymized, or de-identified data, which cannot reasonably be used to identify you, without restriction. We process this data only in a de-identified fashion and will not attempt to re-identify such data, except as permitted by law.

Notwithstanding anything to the contrary in this Privacy Policy, other than those parties and for those specific purpose which you consented to, your mobile phone number will not be shared with third parties/affiliates, including for such third parties/affiliates marketing purposes, and we will not transfer your opt-in consent to receive text messages from us to any third parties.

5. How We Protect Your Data

We have implemented measures designed to secure your personal data from accidental loss and unauthorized access, use, alteration, and disclosure.

The safety and security of your data also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Platform, you are responsible for keeping this password confidential. Do not share your password with anyone.

Unfortunately, the transmission of data via the internet is not completely secure. Although we use reasonable efforts to protect your data, we cannot guarantee the security of your data transmitted to our Platform. Any transmission of data is at your own risk. We are not responsible for the circumvention of any privacy settings or security measures contained in the Platform.

6. Retention of Your Data

We may retain your data for as long as we need it to provide you with the Platform. If you ask us to delete your data, there may be some latency in deleting this data from our servers and back-up storage and some data may not be completely removed from our logs and other records. In addition, we may retain this data if necessary to comply with our legal obligations, resolve disputes, or enforce our agreements.

When we process personal data, we determine the retention period taking into account various criteria, such as the type of products or services provided to you, the nature and length of our relationship with you, the impact on our Platform we provide to you if we delete some data from or about you, and mandatory retention periods provided by law.

7. Your Choices About Your Data

We strive to provide you with choices regarding the personal data you provide to us. Below are options for your personal data.

In addition, you may have additional options and/or rights concerning your data. If you are a resident of Texas, please see this [TX Privacy Policy addendum](#) to learn more.

7.1. Accessing and Correcting Your Data

If you wish to access or correct data that we hold about you, please contact us at the contact information listed in the How to Contact Us section below and we will try to assist you with your request.

7.2. Automatic Tracking Technologies

You can set your browser to refuse all or some Automatic Tracking Technologies or to alert you when certain Automatic Tracking Technologies are being sent. If you disable or refuse cookies, please note that some parts of the Platform may then be inaccessible or not function properly.

The Platform also uses Google Analytics, which uses cookies or other Automatic Tracking Technologies to help us analyze how users interact with and use the Platform, compile reports on activity, and provide other services related to activity and usage. Google Analytics may collect information such as your IP address, time of visit, whether you are a return visitor, and referring website. To learn more about how Google Analytics collects and processes data you may visit <http://www.google.com/policies/privacy/partners>.

7.2.1 *Targeted Advertising*

We work with certain analytics and advertising providers, as described in the Who We Share Your Data With & the Purpose of Disclosure section above and allow these analytics and advertising providers through our Digital Assets to place Automatic Tracking Technologies on your browser or device to collect data about you. The data they collect may be associated with your personal data or they may collect data, including personal data, about your online activities over time and across different websites and other online services. They may use this data to provide you with interest-based (behavioral) advertising or other targeted content. We do not control these third parties' Automatic Tracking Technologies or how they may be used.

Some of our analytics and advertising providers may be members of the Network Advertising Initiative (“NAI”) and/or are subject to the Self-Regulatory Principles for Online Behavioral Advertising published by the Digital Advertising Alliance (“DAA”). You can obtain more information about these companies' information collection practices and opt-out of receiving interest-based advertising from participating NAI and DAA members by going to the NAI's website at <http://optout.networkadvertising.org/?c=1> or the DAA's website at optout.aboutads.info. In addition, your mobile device settings may provide the functionality to limit our, or our analytics and advertising providers or service providers, ability to engage in ad tracking or targeted advertising using the Google Advertising ID or Apple ID for Advertising associated with your mobile device.

If you opt-out of targeted advertisements, you will still see advertisements online, but they may be less relevant to you. Please note that we may also work with companies that do not participate in the opt-out mechanisms described above. Even after using these opt-out mechanisms, you may receive targeted advertising from other companies. We do not control these third-party opt-out links, and we do not control whether our advertising service providers participate in these programs. We are not responsible for any choices you make using these programs or links or their continued availability or accuracy.

7.3. Our Email Marketing to You

If you do not wish to receive our marketing emails, you may unsubscribe by following the unsubscribe instructions at the bottom of the email or by contacting us through the contact information in the How to Contact Us section at the bottom of this Privacy Policy. After you unsubscribe, however, you may continue to receive product or service-related and other non-marketing emails. If you have provided more than one email address to us, you may continue to be contacted unless you request to unsubscribe each email address you have provided.

7.4. Do Not Track Signals

Some web browsers (including Safari, Internet Explorer, Firefox, and Chrome) incorporate a “Do Not Track” (“DNT”) or similar feature that signals to websites that a user does not want to have his or her online activity and behavior tracked.

Please note that we do not recognize or respond to any signal which your browser might transmit through the DNT feature your browser might have. If you wish to disable cookies on our Digital Assets, you should not rely on any “DNT” feature your browser might have.

8. Links to Other Third-Party Digital Assets

We may provide links to digital assets such as websites, applications, or services that we do not own or operate (“**third-party digital assets**”). Those links are provided for your convenience. If you follow the link and visit those third-party digital assets, they too may collect data about you. We do not own or control any third-party digital assets, and we are not responsible for the practices employed by third-party digital assets linked to or from our Digital Assets. We recommend that you review the privacy policies of other third-party digital assets before authorizing third-party access to your data.

9. Children Under the Age of 18

Our Platform is **not** directed at or intended for children under 18 years of age. No one under the age of 18 may provide any data to or on the Platform. We do not knowingly collect data from children under 18. If you are under 18, do not use or provide any data on the Digital Asset or on or through any of its features, registration process, or in connection with the Platform. If we learn we have collected or received data from a child under 18 without verification of parental consent, we will delete that data. If you believe we might have any data from or about a child under 18, please contact us through the email in the How to Contact Us section below.

10. International Visitors

We are based in the United States. When we obtain data about you, we may process such data outside of the country in which you reside, including in the United States. By using the Platform, you consent to the transfer to and processing of your data in countries outside of your country of residence, which may have different data protection laws than those in the country where you reside.

11. How to Contact Us

To ask questions or comment about this Privacy Policy and our practices in general, contact us at:

Physical Address 4600 S. Ulster, Ste. 1300, Denver, CO 80237
Email Compliance.Team@MyBluepeak.com