

BLUEPEAK - ANNUAL SUBSCRIBER PRIVACY POLICY

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BLUEPEAK - ANNUAL SUBSCRIBER PRIVACY POLICY

1. Overview

This Annual Subscriber Privacy Policy (“**Subscriber Privacy Policy**”) describes: (a) how Clarity Telecom, LLC d/b/a Bluepeak (“**Bluepeak**,” “**we**,” “**us**,” or “**our**”) collects, uses, retains, shares, or otherwise processes (collectively, “**process**”) your data with respect to your use of our cable television services (“**Cable Services**”), telephone services (“**Telephone Services**”), and/or high-speed internet services (“**Internet Services**”, and collectively with Telephone Services and Cable Services, the “**Services**”); (b) your rights regarding your data; and (c) how to exercise those rights. Please read this Subscriber Privacy Policy carefully to understand our policies and practices regarding your data and how we will treat it.

As used in this Subscriber Privacy Policy, “**data**” generally refers to all data or information that is processed by or on behalf of Bluepeak in connection with the provision of Services, which may include PII and CPNI (each as defined below). “**Aggregate Data**” means data that relates to a group of individuals from which information specifically identifying any individual has been removed so that such information cannot be linked to an individual. Aggregate Data does not include PII or CPNI. Wherever appropriate in this Subscriber 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 Subscriber Privacy Policy

This Subscriber Privacy Policy may be modified from time to time. We advise you to frequently check this Subscriber Privacy Policy for any changes. The date this Subscriber Privacy Policy was “last revised” is at the top of this page. If we make a material change to this Subscriber Privacy Policy, we will publish the updated Subscriber 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 website, <https://mybluepeak.com>. **YOUR USE OF THE SERVICES, AND CONTINUED USE OF THE SERVICES FOLLOWING ANY CHANGES TO THIS SUBSCRIBER PRIVACY POLICY, SIGNIFIES THAT YOU HAVE READ AND UNDERSTAND THE TERMS OF THIS SUBSCRIBER PRIVACY POLICY. IF YOU DO NOT AGREE WITH THE TERMS OF THIS SUBSCRIBER PRIVACY POLICY, YOUR CHOICE IS TO NOT USE THE SERVICES.**

1.2. When This Subscriber Privacy Policy Applies

This Subscriber Privacy Policy **applies** to our processing of data in connection with our performance of all of our commercial or residential Services, regardless of whether such Services are provided individually or as part of a bundle of offerings. This Subscriber Privacy Policy **does not apply** to any data that we may collect through our internet portal, websites, or any other way you may indirectly or directly interact with us. Please refer to our Privacy Policy at <https://mybluepeak.com/privacy-policy/> for more information on the other ways we process your data.

2. Type of Data Collected

Below is a description of the data that we may collect from you or about you when you use or otherwise access our Services. Any data we collect outside the provision of Services or is not subject to the Telecom Act (defined below) or Communications Act (defined below) will be processed in accordance with our Privacy Policy which can be found at <https://mybluepeak.com/privacy-policy/>.

2.1. General Data Collected

In addition to the data about the Services you request and/or provided, we may collect the following categories of data from or about you:

- (a) Contact Data. Data used to contact you, such as your name, mailing address, telephone number, or email addresses.
- (b) Sensitive Data. Data that is sensitive such as social security number, or driver's license number.
- (c) Demographic Data. Data that is about you, but that as an individual piece of data does not specifically identify you, such as age and income.
- (d) Login Data. Data used to log in to your account or to access certain data, such as username, password, and pin.
- (e) Bluepeak Provided Hardware. Data about the hardware/equipment installed, where the hardware/equipment is located, what Services are associated with the hardware/equipment, and whether you rent or own your place of residence in connection with the hardware/equipment provided.
- (f) Customer Hardware. Data about your hardware, such as the number of television sets, telephones, computers, modems, routers, and other equipment that connects to our Services or that receive our Services.
- (g) Hardware Settings. Data associated with the settings of the hardware connected to our Services, such as the location and configuration of hardware, identifying data associated with the hardware (e.g., a serial number and/or MAC address of each converter box installed), performance history associated with the hardware, and other preferences to aid in providing the Services and customer support.
- (h) Transaction Data. Data related to our Services, such as the type of Services requested or provided, order details, delivery data, or the amount charged. To complete a transaction, you may be required to provide payment and financial data such as bank account data or the type of card, card number, expiration date, security code, and billing address.
- (i) Communications Data. Data contained in your communications with us regarding the Services you've purchased, such as when you request additional information about add-ons/new Services, provide us with feedback, interact with our Customer

Care team, or participate in customer satisfaction surveys, including the date and time of your communications and the content of your communications.

- (j) Legal Proceedings. Data necessary to enforce our rights under applicable law, including records of violations or alleged violations of applicable agreements between you and us.

2.2. Cable Services Data

Under the Communications Act of 1934, as amended from time to time (the “**Communications Act**”), we may collect personally identifiable information, as used in the Communications Act (“**PII**”). The PII we collect may include the data described in **Section 2.1 (General Data Collected)**, as well as programming data collected in connection with your use of certain Cable Services. In providing certain Cable Services, such as pay-per-view and entertainment-on-demand interactive Cable Services, we process limited usage data for the purposes set forth in **Section 3.1 (General Data Use)** and **Section 3.2 (Cable Services Data Use)**. When we provide digital video recorder Cable Services, we may also process detailed data concerning your use and operation of the recorder.

2.3. Telephone Services Data

Under the Telecommunications Act of 1966, as amended from time to time (the “**Telecom Act**”), we may collect Customer Proprietary Network Information, as defined in the Telecom Act (“**CPNI**”) through the provision of Telephone Services to you. CPNI consists of the data contained in your Telephone Services bill and any other data about the quantity, technical configuration, type, destination, location, and amount of your use of Telephone Services. Specifically, when providing Telephone Services, we collect usage data, including telephone numbers called, telephone numbers of calls received, and the duration of calls.

2.4. Internet Services Data

Like most internet service providers, we automatically collect certain general data concerning your use of Internet Services, such as the Internet Protocol (IP) addresses assigned (an identifier assigned to your computer while online), bandwidth used, system and connection performance, browsers used, dates and times of access, and internet resource requests, including requests to access web pages. We do not store the online messages you send or receive using the Internet Services.

3. **How We Use Your Data**

Aggregate Data may be used by Bluepeak without restriction, including for programming, advertising, and as otherwise described in our [Privacy Policy](#). The following subsections in this Section 3 describe other ways we use your data.

3.1. General Data Use

We may use your data for the following purposes:

- (a) To Provide the Services. We may use your data to provide the Services you request, which may include installation activities, operations, administration, support, network management, maintenance, customer care, communications with you, billing and collection, and for accounting and tax purposes.
- (b) Security & Protection of the Services. We may also use your data to protect your data and the systems that we use to provide our Services, including 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.
- (c) Comply with Legal Obligations. We may use your data 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.

3.2. Cable Services Data Use

We may process PII that we collect over a cable system without your consent if it is necessary to provide Cable Services to you or to prevent unauthorized access to the Cable Services or data therein. In addition to such data use, we may also use your PII for other purposes with your consent and for the purposes directed by you at the point of collection, such as addressable advertising. We place some of the advertisements you see during live and on-demand video content on our Cable Services. Some of those advertisements are placed in particular shows or channels; others are shown in particular geographic areas. Some of our cable advertisements will ask for your permission to take certain actions, like mail you information or allow the advertiser to contact you. In some areas we will be able to address advertisements to your household through our Cable Services. These advertisements will be more relevant to your interests based on your video usage data. To revoke consent for such purposes, please follow these instructions:

1. Press the **TiVo** button on your remote control to open the Main Menu
2. Select the **Settings** icon (gear symbol)
3. In the Settings menu, select **Privacy**
4. Once in the Privacy settings, you can manage two types of data sharing:
 - a. Personalized Ads - Controls whether your viewing habits are used to tailor advertisements
 - b. Viewership Sharing - Controls whether information about what you watch is shared with TiVo
5. For each option:
 - a. Select **Allow Sharing** to turn data sharing ON
 - b. Select **Do Not Allow Sharing** to turn data sharing OFF

If you need assistance, you may also email us at the email provided in **Section 14 (How to Contact Us)**.

3.3. Telephone Services Data Use

- (a) Call Recording. In some geographic areas, we provide Telephone Services by traditional “switched” technology. We monitor or record certain calls that you make to our staff for quality and training purposes. We will notify you in a pre-recorded message if your call to our staff may be monitored or recorded. If you object to your call being monitored or recorded, you may tell our Customer Care representative or end your call.
- (b) Directory Listings. We offer our Telephone Service customers the ability to designate their listings as “non-published” within print or electronic directories or directory assistance services. Because of the complexity of this process and the involvement of other entities in publishing, errors may occur from time to time. These and certain other Telephone Services are offered subject to tariff or contractual terms that limit our liability in the event of such errors.
- (c) Advertising. In offering our spectrum of local and long-distance telephone services, we do use your Telephone Service data to offer you new services and pricing plans. If you do not want us to use your CPNI for this purpose, you may contact us at the number or address listed on the cover of this notice or on your regular bill. On the other hand, if you would like us to offer you information on video and data services or would like to learn about our bundled offers, please contact us in any of the same ways. Consenting to allow us to use your CPNI will help us offer you the best and most up-to-date Services. Your consent will remain in effect until you notify us that you want to revoke or change your permission. Your choice to provide or withhold your consent will not affect the Services you receive.

4. Who We Share Your Data With; Purpose of Disclosure; Frequency of Disclosure

Below describes our disclosure practices. The frequency of such disclosures varies according to business needs.

4.1. General Purposes for Disclosure of Data

- (a) Services. To provide and protect the Services, we may disclose your data to our employees, related legal entities, agents, vendors acting under our direction, partners, sales representatives, accountants, billing and collection services, and consumer and market research firms, and authorized representatives of governmental bodies.
- (b) Consent. 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. Specifically, we may disclose your data pursuant to the consent you granted in your Residential User Agreement or Business Services Agreement.

We may share your data for other purposes, such as:

- (i) 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 development, 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.
- (ii) Merger, Sale, or Transfer. We may disclose 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.
- (iii) 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.
- (iv) Legally Proceedings. Federal law requires us to disclose certain data to a governmental entity or other third parties pursuant to certain legal process. Generally, this legal process requires a court order. There are exceptions to this general rule in areas including the Electronic Communications Privacy Act, which allows data to be obtained in some circumstances by governmental entities through a subpoena, warrant or court order; welfare laws, which allow state welfare agencies to obtain by administrative subpoena the names and addresses of individuals who owe or are owed welfare support; child pornography statutes, which impose an affirmative duty on us to disclose certain data upon knowledge; and counterintelligence laws, which require us to provide data based on National Security Letters. At times, laws like these or specific court orders may require that we not disclose to you the existence of demands for your data. We will honor these laws and orders. We will comply with legal process when we believe in our discretion that we are required to do so. We will also disclose your data when we believe it is necessary to enforce or apply our other policies, or to protect the rights, property, or personal safety of us, our users, employees, or others.
- (v) Aggregate Data. We may share Aggregate Data with third parties without restriction.

4.2. Cable Services Specific Disclosures

Under the Communications Act, we may only disclose PII without your prior written or electronic consent if: (a) it is necessary to render, or conduct a legitimate business related to, the Cable Services that are provided to you; (b) such disclosure is required by law; or (c) for mailing lists, subject as described in this Section. Unless you object, the Communications Act permits us to disclose certain PII to third parties, such as advertisers and direct mail companies, for non-cable-related purposes, such as direct marketing. Under the Communications Act, these disclosures are limited to the following: your name, address, and the non-phone services to which you subscribe (e.g., HBO or other premium channels, or tiers of Service) ("**mailing data**"). In addition, we may add to the mailing data, commercially available data about you that is obtained from third parties,

such as your age, income, and other demographic or marketing data. Mailing data does not include the extent of your viewing or use of a particular Service, including the extent of your use of Service, the nature of any transaction you make through the Cable Service, or any data that constitutes CPNI. We may disclose or sell such mailing data from time to time. If you wish to have your mailing data removed from our mailing list, please write to us at any time to the return address on your billing statement or by live, online chat at www.mybluepeak.com. Please include your name and mailing address on any such request.

4.3. Telephone Services Specific Disclosures

Federal and some state regulations govern the sharing of CPNI. We do not disclose CPNI to unrelated parties, except as required by law.

We must disclose certain data and CPNI to 911 services and to you or your designee upon your express authorization. We will also disclose limited data to telephone companies so that your calls can be properly routed. When you dial a toll-free number, the party you are calling may identify your telephone number using a telephone network technology called Automatic Number Identification (“**ANI**”). The Federal Communications Commission (“**FCC**”) rules prohibit parties that receive calls on toll-free numbers from distributing these telephone numbers. Your name, address and/or phone number are provided to those you call in connection with Caller ID functions. You may dial *67 to prevent display of your Caller ID. Dialing *82 resumes its display. We will provide your name, phone number, and address to directories and 411 services. If you subscribe to our non-published directory listing service, we will take reasonable precautions to ensure that your data is not provided, but we cannot guarantee that errors will not occur. If you would like more information on this service, please contact us through our website at www.mybluepeak.com.

5. How We Protect Your Data

We have implemented measures designed to protect your PII and CPNI from accidental loss and from unauthorized access, use, alteration and disclosure. If you are a Telephone Service customer, we have a duty under federal law to protect the confidentiality of your CPNI and you have the right to have the confidentiality of your CPNI so protected. For our most sensitive databases, we use encrypted formats within controlled and secure environments that have restricted access.

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 Services, you are responsible for keeping this password confidential. Do not share your password with anyone. We also highly recommend that you regularly change your login password, using hard-to-guess combinations of numbers and letters. You should also use and regularly update your antivirus software, firewall, wireless network security, and operating system to prevent unauthorized access by others and harm from various forms of viruses.

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 us. Any transmission of your data is at your own risk. We are not responsible for the circumvention of any privacy settings or security measures contained in our Services.

6. Retention of Your Data

In general, we typically store: (a) data related to your Internet Services for about 6 months; (b) CPNI for up to 2 years; and (c) all other data for as long as we need it to provide you with the Services you've requested. 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 as otherwise permitted under applicable law.

When we process your 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 Services 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

7.1. Accessing and Correcting Your Data

As a customer, you may review your data maintained by us by contacting a Customer Care representative. We will need a reasonable amount of time to collect the data and remove any references to other customers. You may request correction of any errors in data that we process pertaining to you.

7.2. 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 **Section 15 (How to Contact Us)** section at the bottom of this Subscriber 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.

8. Your Rights Under the Communications Act

We are providing this notice to you in accordance with the Communications Act. The Communications Act provides you with a cause of action for damages, attorneys' fees and costs in federal District Court should you believe that any of the Communications Act's limitations on the processing of your PII have been violated by us. Your Residential User Agreement or Business Services Agreement contains your agreement that, to the extent permitted by law, any such claims will be decided in arbitration and attorneys' fees and punitive damages will not be available.

9. Annual Do Not Call Registry Notice

Bluepeak employees and agents are prohibited from engaging in telemarketing practices that violate the provisions of the Telephone Consumer Protection Act of 1991, the FTC Telephone Sales Rule, or applicable state regulations. In performing its duties under these requirements, Bluepeak provides a written copy of the following "Do Not Call" policy to all personnel or entities that make calls for telemarketing purposes on our behalf. In addition, we also provide training to

all our business office personnel and any personnel engaged in any aspect of telemarketing on our behalf, to ensure that they are informed and knowledgeable in regard to the existence, use, and maintenance of our “Do Not Call” list. If you do not want to receive sales calls from Bluepeak, you can ask us to place your telephone number on the Bluepeak “Do Not Call” list. In compliance with federal and state laws, upon your request, we’ll make a record in our files that you contacted us and we will immediately add your number to our “Do Not Call” list. Please allow up to 30 days for your telephone number to be removed from any sales programs that may be currently underway. To add your telephone number to our “Do Not Call” list, you can make your request in writing to the address below or by calling 1-888-975-4BLU (4258). You should include your name, address, and telephone number in your request. Attention: “Do Not Call” List Administrator Bluepeak, 5100 S Broadband Lane, Sioux Falls SD 57108. If you have multiple telephone numbers, please tell us all numbers that you want included on the “Do Not Call” list. You will remain on our “Do Not Call” list for five years, unless you ask to be removed. If your telephone number ever changes, you must give us your new information for your “Do Not Call” status to remain in effect. Being placed on Bluepeak’s “Do Not Call” list means that you will not receive sales calls from anyone representing Bluepeak. We may still contact you, however, for non-solicitation and non-telemarketing purposes. This type of contact may include surveys, billing, and other service-related matters. Please note that the Bluepeak “Do Not Call” list restricts marketing contacts from Bluepeak only, so you may continue to receive calls from other companies including affiliates of Bluepeak unless you also contact those other companies directly. However, to make this process easier, you may add your number to the National Do Not Call List. You may do so by calling 1-888-382-1222 or going online at www.donotcall.gov.

10. 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 Services. We recommend that you review the privacy policies of other third-party digital assets before authorizing third-party access to your data.

11. International Visitors

We are based in the United States. When we obtain data about you, we may transfer, process, and store such data outside of the country in which you reside, including in the United States. By using the Services, 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.

12. Other Agreements

Other terms and conditions affect our Service offerings, including certain cable television service contracts, our Acceptable Use Policy (located at <http://www.mybluepeak.com/AUP>), tariffs, network transparency disclosures, and the Residential User Agreement (located at <http://www.mybluepeak.com/residential-user-agreement>). Changes in our Service offerings,

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the law, and policies may cause us to make changes to this and other policies from time to time in our sole discretion.

13. How to Contact Us

If you have any questions about this Subscriber Privacy Policy, please email us at Compliance.Team@MyBluepeak.com, call us at 1-888-975-4BLU (4258), or contact your local Bluepeak office at the address and telephone listed on your bill.