E Source privacy policy

November 19, 2021

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Contact us with your privacy concerns

To talk to us about our privacy policy, email customer service or call 1-800-ESOURCE (1-800-376-8723) between 9:00 a.m. and 5:00 p.m. MT, Monday through Friday.

Please read this policy carefully to understand the policies and practices of E Source Companies LLC ("we" or "E Source") regarding your Personal Information and how we will treat it.

If you do not agree with this policy, your choice is not to use the E Source Website or to refrain from sending E Source any Personal Information.

By accessing or using the E Source Website, located at https://www.esource.com/, you are acknowledging and accepting this policy. This policy may change from time to time. Your continued use of this Website after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

If you are a Canadian resident, you must also agree to the additional terms and conditions stated in Section VIII.

For residents of the State of California, please see Section VII for additional rights only available to residents of the State of California.

If you access this site from outside the United States, you acknowledge, agree, and consent that any information you provide, including any Personal Information, will be transferred to and processed by a computer server located within the United States, and subject to United States laws and regulations. Further, if you access this site from outside the United States, you acknowledge and agree that you are responsible for compliance with any applicable local or national laws, rules or regulations applicable to such use.

PLEASE BE ADVISED: This Privacy Policy contains provisions that govern how claims you and

E Source have against each other can be brought (see Section XI below). These provisions will, with limited exception, require you to submit claims you have against E Source to binding and final arbitration on an individual basis, not as a plaintiff or class member in any class, group or representative action or proceeding.

I. INFORMATION SUBJECT TO THIS POLICY

Information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked directly or indirectly with a particular consumer or household is referred to throughout this policy as "Personal Information."

In general, the types of Personal Information that may be collected by us and subject to this policy include, but are not limited to: name, title, employer or similar affiliation, email address, phone number, and postal address.

"Personal Information" does not include:

- information that is lawfully made available from federal, state, or local government records (i.e., "publicly available information"); and
- consumer information that is de-identified or aggregate consumer information, defined below.

For purposes of this policy, "de-identified or aggregate consumer information" means information that relates to a group or category of consumers, from which individual consumer identities have been removed, that is not linked or reasonably linkable to any consumer or household.

II. PERSONAL INFORMATION COLLECTION AND TYPES

1. Information you provide to us

We receive and store any information you enter on the Website or give to us in any other way. Types of information you may provide to us in this manner include:

- *Contact information.* When you use our services you may be required to give us your name, email address, billing address, and phone number, and additional information that enables you to use the services you request. We limit the information we collect from you for services and products to information we need to provide you with the services or products you request.
- *Payment information.* When you provide a credit card number or other payment method to us, a third party that handles payments for us will receive your card information. To keep your financial data secure, we do not store full credit card information on our servers. We will provide you with the name of the third party that handles our payments, and we encourage you to review such third party's privacy policy.
- *Information you submit.* If you contact us directly, we may receive additional information about you. For example, when you contact customer support, we may receive your name, email address, phone number, the contents of a message or attachments that you may send to us, and other information you choose to provide. When you register for an E Source event, we may obtain additional Personal Information, such as credit card information and your hotel, meal, and other

travel preferences.
- *Computer and phone information.* If you visit our Website on your mobile device, tablet, laptop, or computer, it may require special permission such as access to location, read and write external storage, network access, etc. Those permissions allow the Website to work properly on your device. If you do not allow all required permissions the Website may not work properly.
- *Survey and feedback information.* E Source may require or invite you to answer questions or otherwise provide information to us for research purposes and to improve our products and services. This may include, for example, surveys, benchmarks, or assessments (as used herein, a "survey"). Some of the information you provide in response may be Personal Information. We may post testimonials on our Website. We may also post or share news, events, results, accomplishments, marketing materials from individuals or companies. Requests to remove posted materials should be submitted to customer service. Reasonable efforts will be made to remove posts upon receiving written notice.

2. Information we purchase from third parties

We may also collect information from third parties or business partners. Types of information we may collect from third parties include:

- *Third-party information.* We may receive additional information about you, such as demographic data or fraud detection information, from third parties and combine it with other information that we have about you. We also may purchase certain information about you from third parties such as the following categories of information: demographic, firmographic, structural, lifestyle and interests, and financial.

3. Passively collected information

Personal Information may also include information we passively and automatically collect from you. The type of information we may automatically collect from you include:

- *Interactions with the Website.* To help us understand how you use the Website and to help us improve it, we automatically receive information about your interactions with the Website, like the pages or other content you view, your actions within the Website, and the dates and times of your visits.
- *Analytics.* We may also use analytic tools, including Google Analytics, to collect information regarding your behavior and your demographics. For more information about Google Analytics, please visit How Google Uses Information from Sites or Apps that Use Our Services. You can opt out of Google's collection and processing of data generated by your use of its platform.
- *Cookies and similar technologies.* The Website may collect information automatically using electronic tools. For example, we may automatically collect non-personally identifiable information and data using "cookies," or your internet protocol (IP) address and other information as discussed below under the heading Website Technologies.

The Website does not currently support Do Not Track, which is a privacy preference you can set in your web browser to indicate that you do not want certain information about your web page visits tracked and collected across websites.

III. HOW WE USE YOUR PERSONAL INFORMATION

The following are the various ways we use your Personal Information:

- *Process your requests.* We use your Personal Information to help us process your order, service your account, and respond to your inquiries.
- *Facilitate events.* Personal Information that you provide in connection with event registration may be used for confirmation and billing purposes and otherwise to enhance the value of your event experience or your overall travel experience.
- *Internal marketing purposes.* We use your contact information, namely your email address and phone number (excluding text messages, unless otherwise expressly stated), to contact you with offers that we think are relevant to you, when there is a Website problem or for other customer service–related issues.
- *Make improvements based on feedback.* If you provide Personal Information to E Source in connection with a survey, we will use that Personal Information for the purposes for which it was provided and for purposes related to the survey, including, for example, to clarify your response, to seek additional information, and to obtain your consent to use or disclose your Personal Information in additional capacities.
- *Personalize your experience.* As stated in more detail below under the heading Website Technologies, E Source may use various website technologies to personalize your experience on the E Source Website and to otherwise improve service to you.
- *Provide services to our customers.* E Source provides focused research and consulting for utilities and solution providers. We use market research data that may include Personal Information. We use such Personal Information to provide analysis to help utilities meet their business objectives and help their customers. We try our best to provide aggregate and de-identifiable information to our Customers.
- *Respond to issues.* We use Personal Information to find and prevent fraud and to respond to trust and safety issues that may arise.

IV. SHARING AND DISCLOSURE PERSONAL INFORMATION

1. Sharing of personal information

The following are the various ways your Personal Information may be shared:

- *To customers.* E Source provides focused research and consulting for utilities and solution providers. We use market research data that may include Personal Information, and our customers may receive the following categories of Personal Information: lifestyle and interests, demographics, and financial.
- *Event partners.* From time to time, E Source may partner with other entities to host or conduct events. When you sign up for an event through E Source, we will share with the other entities hosting the event a list containing the name and email address you used to sign up for the event, as well as your employer or sponsor, as applicable. You will receive advanced notice with regard to our event partners, and we encourage you to visit their privacy policies. Host hotels, convention centers, and other facilities are not permitted to use Personal Information for marketing purposes.
- *With your consent.* We may share your Personal Information whenever you consent to such

sharing, such as to facilitate a transaction for one of our services or products you request.

- *Sharing with service providers.* We may sometimes use other businesses to perform certain services for us, such as hosting or maintaining the Website and our products, storing your information, processing payments, processing subscriptions, or providing marketing assistance and data analysis. We may provide Personal Information to service providers when that information is necessary for them to complete a requested transaction or otherwise perform their duties. We will take reasonable steps to ensure that these service providers are notified of their obligations to reasonably protect Personal Information on our behalf. Notwithstanding the above, we cannot guarantee that such service providers will adhere to the contractual obligations or acceptable business practices.
- *Complying with the law.* If a government authority requests information and we think disclosure is required or appropriate in order to comply with laws, regulations, or a legal process, including with law enforcement officials, government authorities, or third parties if we think doing so is necessary to protect the rights, property, or safety of the E Source or the public, including to enforce or apply our agreements, such as for billing and collection purposes. We may also share your information to comply with a legal requirement or process, including but not limited to civil and criminal subpoenas, court orders, or other compulsory disclosures.
- *Other ways we share your information.* We may share your information with our insurance partners to help determine and provide relevant coverage in the event of an incident. We may share your information to a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which Personal Information held by us about users of the Website, services, or products is among the assets transferred. We will also share information with our subsidiaries and affiliates, as requested.

E Source will not sell, share, or rent your Personal Information, except as discussed above, as is set out in this policy, as is explained to you at or before the time you provide Personal Information, or as required by law.

When E Source shares your Personal Information with third parties we take reasonable steps to ensure that these third parties are notified of their obligations to reasonably protect Personal Information on our behalf. However, we cannot guarantee that such third parties will adhere to the contractual obligations or acceptable business practices.

2. De-identified information

E Source may de-identify Personal Information or may otherwise process it so that it cannot be used to identify a specific individual. E Source may use, sell, share, or rent de-identified information, whether aggregated or not, for any legal purpose.

V. WEBSITE TECHNOLOGIES

1. Cookies

The E Source Website uses cookies to customize your experience. A cookie is a text-only string of information that a website transfers to the cookie file of the browser on your computer’s hard drive,

making it possible for the website to remember who you are and what your preferences are. There are different types of cookies. A “session” cookie is erased from memory when a visitor’s browser closes. A “persistent” cookie expires based on a time set by the web server. Persistent cookies help websites identify specific visitors and their preferences when they return to a website.

Please note that disabling or blocking cookies for some services may affect your ability to use those services. If you wish to alter your cookie preferences, you must change your browser’s preferences to enable/keep, disable/block/restrict, or delete/remove cookies. For optimal use, we recommend enabling cookies.

Enabling cookies is handled by your browser’s security settings, which are specific to each browser and operating system. Please check with the company that created your browser if you need more information.

2. Pixel tags

We may also use web beacons, clear gifs, or other similar technologies (collectively “pixel tags”). A pixel tag is an electronic image, often a single pixel, which is ordinarily not visible and may be associated with cookies on the visitors’ storage drives. We may use pixel tags to track your use of our Website for advertising, marketing, or promotional purposes, and to determine whether you opened an email message from us. This information also enables us to customize the services we offer.

3. Usage tracking

We monitor how you use our Website, including the search terms entered, pages visited, and documents viewed. If you’re a registered user, this information is stored with your registration information. It is a unique, identifiable number that is used solely to enable us to provide you with a personalized experience on our Website.

These data may also be used by E Source, in the aggregate, to identify appropriate product offerings and subscription plans. Aggregated (not personally identifiable) forms of the data may also be used to help us target areas for future research and to identify new features and functions to develop for our Website.

These data are also used by E Source member clients to help them understand how their subscriptions are being used by their employees. In this case, the information is personally identifiable to the specific client, not to an individual. However, we do not share passwords, emails between E Source and individuals, or browser history.

VI. YOUR CHOICES REGARDING YOUR PERSONAL INFORMATION

1. Email communications

If you no longer want to receive email communications from E Source, you may unsubscribe by clicking the “Unsubscribe” link that appears at the bottom of every E Source email communication. You may also notify us of your preferences by contacting customer service.

2. User account

If you create an Account on our Website, you may be asked to choose a password for your Account, in which case your Account information shall be protected by your password. You should not disclose your password to any other person. You are responsible for maintaining the confidentiality of your password and are fully responsible for all activities that occur under your password or account. You can access and update information in your account profile at any time by logging into your account with your username and password. Once you have logged in, you can update certain information such as your name, email, password, and security preferences.

3. Location information

You can prevent your device from sharing location information at any time through your device's operating system settings.

4. Terminating your account

If you would like to terminate your account, please contact customer service with your request. If you choose to terminate your account, we will deactivate it for you but may retain information from your account for a certain period of time and disclose it in a manner consistent with our practices under this policy for accounts that are not closed. We also may retain information from your account to collect any fees owed, resolve disputes, troubleshoot problems, analyze usage of the Website, assist with any investigations, prevent fraud, or take other actions as required or permitted by law.

VII. TERMS AND CONDITIONS APPLICABLE TO CALIFORNIA RESIDENTS

This section of the policy applies only to any natural person "enjoying the benefit and protection of laws and government" of California. If you live in California, you have certain rights under the California Consumer Protection Act of 2018 (CCPA).

In accordance with the CCPA, this policy discloses:

- what categories of Personal Information and the specific pieces of Personal Information we collect;
- how that Personal Information is collected and how we use it;
- the categories of Personal Information that are sold or shared with third parties;
- the categories or types of third parties with whom we share Personal Information.

As a California resident, you can request a list of the Personal Information we collected of you, a list of the Personal Information we have shared with third parties, and a list of the names of third parties with whom we have shared your Personal Information. You may make such a request twice per year at no charge to you.

You may also request that we do not sell or disclose your Personal Information to third parties. However, to provide you with most services, products, and the Website, we need to share certain aspects of your Personal Information with our third party service providers. Accordingly, such a request

may affect how you use and access our services, products, and Website.

You may also request that we, and any third parties with whom we have shared your Personal Information, delete all your Personal Information. Be advised that we may limit, postpone, or deny your request in order to: (i) facilitate any transaction that you initiate with us; (ii) comply with a legal requirement or process; (iii) comply with our security and safety measures; and (iv) comply with any other exception provided under the CCPA.

To make any of the foregoing requests, contact us online or call 1-800-ESOURCE (1-800-376-8723) between 9:00 a.m. and 5:00 p.m. MT, Monday through Friday.

VIII. TERMS AND CONDITIONS APPLICABLE TO CANADIAN RESIDENTS

1. Transfer of Personal Information to service providers outside Canada

We will only use Personal Information for the purposes that we identify to you. We may engage service providers to assist us with fulfilling these purposes, and, in some instances, these service providers may be located outside Canada. These service providers may include, but are not limited to, third parties that help us store data that we use as part of our Website, and who assist us with communicating with you. We only select service providers that protect Personal Information in a manner that is comparable to the protection we provide under this policy. However, Personal Information may be subject to, and accessed under, the laws of the countries in which our service providers operate. If you have any questions about our transfer of Personal Information to our service providers outside Canada, or if you would like to learn more about this Privacy Policy in that regard, please contact us.

2. Retention of your Personal Information

We will keep your Personal Information for as long as is necessary for us to fulfill the purposes for which it was collected. Generally speaking, that means we will destroy or anonymize your Personal Information within a reasonable period after your relationship with us ends. Despite this, in limited circumstances we may be required by law to keep your Personal Information for a longer period of time.

3. Withdrawal of consent

You may withdraw your consent for us to manage your Personal Information in a particular way, subject to legal or contractual restrictions and reasonable notice. However, this may limit our ability to provide you with certain services and/or products. You may contact us for more information regarding the implications of withdrawing your consent.

4. Access to and correction of Personal Information

You can also access and review your Personal Information that is held by us and make appropriate changes to it by contacting us. You may be required to put your request in writing and show us identification. The reason we ask for identification is to ensure that, among other things, we do not unintentionally release your Personal Information to a third party who is representing himself/herself as you.

5. Conflict with local laws

This policy is subject to the laws that are applicable in the jurisdiction in which the user resides. If there is a conflict between the terms of this policy and such applicable laws, then this policy shall be deemed to be amended, to the extent required to comply with those laws.

IX. LIABILITY

Except as otherwise provided by law, (1) in no event will E Source or its affiliates or service providers be liable for any accidental or inadvertent disclosure of Personal Information, (2) E Source's total liability for a violation of this Privacy Policy shall not exceed the direct damages proximately caused by the violation not to exceed $250.00, and (3) in no event will E Source be liable for indirect, special, punitive, or consequential damages.

TO THE EXTENT PERMITTED BY LAW, YOU AND E SOURCE MUTUALLY AGREE TO WAIVE RESPECTIVE RIGHTS TO RESOLUTION OF DISPUTES IN A COURT OF LAW BY A JUDGE OR JURY.

X. INFORMATION SECURITY

The nature of our business means that the Personal Information collected through our Website, products, and services will be transferred to the United States. Information we maintain is stored within the United States. If you live outside of the United States, you understand and agree that we may transfer your information to the United States. Our Website is subject to US laws, which may not afford the same level of protection as those in your country. Also, our personnel and the third parties to whom we disclose Personal Information are located in the United States and, in limited circumstances, Canada. We have not adopted policies that comply specifically with the EU General Data Protection Regulation (GDPR).

We employ customary industry practices to protect any Personal Information you have provided to us or we collect from you. However, no method of transmitting or storing electronic data is completely secure, and therefore we cannot warrant or guarantee that such information will never be accessed or used by, or released to, unauthorized third parties or in a manner that is inconsistent with this policy.

XI. CLASS ACTION WAIVER AND BINDING ARBITRATION

ANY ARBITRATION, ACTION, SUIT, OR PROCEEDING ARISING OUT OF OR IN CONNECTION WITH THIS PRIVACY POLICY SHALL BE IN YOUR INDIVIDUAL CAPACITY AND NOT AS A PLAINTIFF OR CLASS MEMBER IN ANY PURPORTED CLASS OR REPRESENTATIVE PROCEEDING. YOU SHALL NOT SEEK TO HAVE ANY DISPUTE HEARD AS A CLASS ACTION, A REPRESENTATIVE ACTION, OR IN ANY PROCEEDING IN WHICH YOU ACT OR PROPOSE TO ACT IN A REPRESENTATIVE CAPACITY. THE ARBITER OR JUDGE MAY NOT CONSOLIDATE OR JOIN THE CLAIMS OF OTHER PERSONS OR PARTIES WHO MAY BE SIMILARLY SITUATED WITH YOU WITHOUT THE WRITTEN CONSENT OF E SOURCE.

ANY CLAIM, DISPUTE, OR CONTROVERSY ARISING UNDER OR RELATED TO THIS PRIVACY POLICY

SHALL BE RESOLVED FIRST BY MEANS OF DIRECT DISCUSSIONS BETWEEN YOU AND E SOURCE. IF NOT RESOLVED PURSUANT TO SUCH DISCUSSIONS, THE CLAIM, DISPUTE, OR CONTROVERSY SHALL THEN BE RESOLVED BY FINAL AND BINDING ARBITRATION ADMINISTERED BY JUDICIAL ARBITRATION AND MEDIATION SERVICES INC. (JAMS), IN ACCORDANCE WITH ITS STREAMLINED ARBITRATION RULES AND PROCEDURES OR SUBSEQUENT VERSIONS THEREOF (THE "JAMS RULES"). THE JAMS RULES FOR SELECTION OF AN ARBITER SHALL BE FOLLOWED, EXCEPT THAT THE ARBITER SHALL BE EXPERIENCED AND LICENSED TO PRACTICE LAW IN COLORADO. ALL PROCEEDINGS BROUGHT PURSUANT TO THIS PRIVACY POLICY WILL BE CONDUCTED IN DENVER, COLORADO.

XII. MISCELLANEOUS

We reserve the right, at our sole discretion, to alter this Privacy Policy at any time without prior notice to you, including to comply with privacy laws, regulations, and/or our own or industry standards, business practices, or otherwise. We encourage you to review this policy each time you access or use the Website or request products or services.

This Privacy Policy shall be governed by and construed in accordance with the laws of the State of Colorado and the laws of the United States, without giving effect to any principles of conflicts of law. In the even an action must be brought in court, the action must be brought in a state or federal court located in Denver, Colorado. You submit to the jurisdiction and venue of such courts and waive any objection to which you might be entitled regarding such jurisdiction or venue. YOU WAIVE ANY RIGHT TO A TRIAL JURY IN ANY ACTION OR PROCEEDING BROUGHT IN A COURT.

If any provision of this Privacy Policy is held invalid or unenforceable, the provision is intended to be enforceable to the maximum extent permitted under law and therefore that the court or arbiter is requested to reform the invalid or unenforceable provision to render it enforceable to the maximum extent permitted. If the court or arbiter refuses to modify or reform the provision, then the provision shall be severed from this Privacy Policy with no effect upon the remaining provisions of this Privacy Policy.

No waiver of any provision of this Privacy Policy by us shall be deemed a further or continuing waiver of such provision or any other provision, and our failure to assert any right or provision under this Privacy Policy shall not constitute a waiver of such right or provision.

XIII. FOR MORE INFORMATION

To obtain more information about E Source's Privacy Policy, contact customer service or call 1-800-ESOURCE (1-800-376-8723) between 9:00 a.m. and 5:00 p.m. MT, Monday through Friday.

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