

We may disclose Personally Identifiable Information without your consent to protect our customers, employees, or property in emergency situations; to enforce our rights under our terms of service and policies; if your account is referred to a collection agency or attorney; in court or elsewhere; and as otherwise permitted by law.

As part of its business activities, we may transfer our customers' information as part of the transaction if we enter into a merger, acquisition, or sale of all or a portion of our assets.

We may also disclose information about you to representatives of government, taxing, or other regulatory authorities in the furtherance of our legitimate business activities. We are sometimes required by law to disclose customer information, as explained in more detail below in Section E.

Federal law allows us to disclose "mailing list" information, including your name and address, to third parties for their own use, unless you tell us otherwise. Mailing list information does not include the extent of your viewing or use of a particular Service, including the extent of your use of our Internet Service, the nature of any transaction you make over our cable system, or any information that constitutes CPNI. At this time, we do not share such mailing list information with third parties for such third parties' own use. If we decide to do this in the future, we will amend this privacy notice and give you adequate notice of how to restrict our use of such information.

Vyve, or our contractors or agents, may share non-personal and/or aggregate information with third parties, such as the number of Service subscribers who match certain statistical profiles (for example, the number of subscribers in various parts of the country) with our advertisers, content providers, or other third parties with whom we have a relationship.

#### **D. Special Rules Associated with Voice Service**

If you subscribe to a Vyve service classified as a "telecommunications service," federal law creates certain additional privacy protections and use restrictions with respect to a category of information known as "customer proprietary network information" or "CPNI." CPNI refers to the quantity, technical configuration, type, destination, location, and amount of your use of a telecommunications service that is made available to us solely by virtue of our relationship with you as a customer. CPNI also includes information in your bills pertaining to your telephone service. CPNI does not include subscriber list information, such as your name, address and telephone number or other information that has been published in any directory format. Examples of CPNI include information about your phone service found on your monthly telephone bill, your current telephone charges, your long distance and local service billing records, directory assistance charges, usage data, and calling records.

We may use your CPNI to offer you communications-related products or services that may enhance the Services to which you already subscribe, or to offer you certain other Vyve Services. In addition, when you contact us, we may ask for your consent to use your CPNI in marketing our services to you at that time. Such consent will apply only for the duration of that call or Internet session, and withholding your consent will not affect your Service. Although federal law permits us to use CPNI for certain other marketing efforts, we have elected not to use CPNI for such marketing purposes at this time. We also do not provide or sell your CPNI to any third party for marketing activities.

For the protection of residential Voice Service subscribers, we will not

disclose your call detail records over the phone to an inbound caller, and we require the use of a PIN and the creation of a password to log into accounts where you can view your CPNI online. We may disclose customer information, including Personally Identifiable Information, in connection with our Voice Service, such as in connection with providing directory service, Caller ID, and 911/E911 services. In using our Voice Service, your name and telephone number may be transmitted and displayed on a Caller ID device unless you have elected to block such information. You may dial \*67 to prevent display of your Caller ID. Caller ID blocking may not prevent the display of your name and telephone number if you dial certain business numbers, 911, 900 numbers, or toll-free 800, 888, 877, or 866 numbers. Your name, address and phone number may be distributed in telephone directories or through directory assistance, and this information may be repackaged and made available in different formats by anyone. We take reasonable precautions to ensure that non-published and non-listed numbers are not included in our telephone directories or directory assistance services, although we cannot guarantee that errors will never occur. We may also disclose limited customer information to telephone companies so that your calls can be properly routed.

#### **E. When Is Disclosure of Customer Information Required by Law?**

We must disclose customer information, including Personally Identifiable Information, when required by the terms of a valid legal process, such as a subpoena, court order, or search warrant. If a court order requires us to disclose Personally Identifiable Information to a third party, we are required to notify you. If you subscribe to our Video Service, under federal law, you must be afforded the opportunity to appear and contest the order in court.

In addition, in accordance with the USA PATRIOT Act of 2001, we may be required to disclose Personally Identifiable Information to law enforcement officials in accordance with both court orders and subpoenas; however, we may not disclose records revealing your selection of video programming. You may not be entitled by law to prior notice or the opportunity to contest these disclosures.

If you subscribe to our Internet or Voice Services, the same requirements do not apply. Instead, in some instances we may disclose Personally Identifiable Information and CPNI about you to government entities or to comply with a court order or subpoena without your consent and without advance or any notice to you. In other situations (for example, if you owe or are owed welfare or child support), state welfare agencies may by administrative subpoena obtain your name, address, and other information as it appears in our records. We are required to notify the National Center for Missing and Exploited Children of information about child pornography that we become aware of in the course of providing our Services. This information may be provided without a court order, and we do not have to give you notice and the opportunity to contest such disclosure.

If we notify you of specific legal requests or orders for Personally Identifiable Information, and there is an opportunity for you to object to such disclosures, it is then up to you to object or take specific action to prevent these disclosures.

#### **F. Can I prohibit Vyve's Use and Disclosure of My Customer Information?**

At this time, we do not share your Personally Identifiable Information with third parties for their own marketing purposes.

In the event we change these practices in the future, we will provide you notice and the opportunity to restrict the use and disclosure of your information for these purposes.

You may also opt out of receiving future e-mail marketing messages and e-mail newsletters from Vyve. We provide you with the opportunity to opt out of such communications from us by clicking the "unsubscribe" link at the bottom of each marketing e-mail. We will also provide you with the opportunity to opt out of online targeted advertisements through an opt-out mechanism provided in or near the advertisement. Please note that you may not opt out of our communications with you that are related to your use of the Website or Services.

#### **G. How Long Does Vyve Keep Customer Information?**

We will maintain Personally Identifiable Information about you only as long as it is necessary for our business purposes. This period includes the time during which you are a subscriber to our Service, plus a period of time after you cease to be an active subscriber in order for us to comply with tax, accounting and other legal requirements. When this information is no longer needed for these purposes, it is our policy to destroy or de-identify the information.

#### **H. How Does Vyve Protect Children's Privacy?**

We do not knowingly collect Personally Identifiable Information from anyone under the age of 13. Our Internet Service is not directed at, or intended for use by, children under the age of 13. Other services or web pages accessed through our Service may have different policies on collection of information pertaining to children and you should consult their privacy policies and read their notices.

#### **I. May I Inspect My Customer Information?**

You have the right to see the Personally Identifiable Information about you that we collect and maintain in our regular business records. In most cases, the Personally Identifiable Information contained in these records consists solely of billing and account information. If you would like to see your Personally Identifiable Information, please contact us by mail at Four International Drive, Suite 330, Rye Brook, NY 10573, Attn: General Counsel, giving us a reasonable period of time to locate and, if necessary, prepare the information for your review, and to arrange an appointment during our regular business hours. You will only be permitted to examine records that contain Personally Identifiable Information about your account and no other account. If your review reveals an error in our records, we will correct it. We reserve the right to charge you for the cost of retrieving and photocopying any documents that you request.

#### **J. Your Rights under Federal and State Law**

If you believe that you have been aggrieved by any act of ours in violation of the Cable Act or other applicable laws, we encourage you to contact us directly at the address provided above in order to resolve your question or concern. You may also enforce the limitations imposed by the Cable Act, as applicable, with respect to your Personally Identifiable Information, through a civil lawsuit seeking damages, attorney's fees, and litigation costs. Other rights may be available under federal or other applicable laws as well.

This Privacy Notice does not supersede, enhance, or modify any agreement to which you may be bound as a subscriber to one or more of the Services.

# Vyve Broadband Customer Privacy Notice

Effective as of April 2020



**VyveBroadband.com**

Vyve Broadband is committed to respecting and protecting the privacy of its customers. This privacy notice applies to those Vyve customers who subscribe to our cable television service (“Video Service”), high-speed Internet service (“Internet Service”), digital phone service (“Voice Service”) and any other communications service we may provide to you (collectively or individually, the “Service” or “Services”), whether individually or as part of a bundle of Services. This privacy notice gives you a general understanding of how Vyve protects your privacy in connection with the provision of the Services, as well as your rights under the Cable Communications Policy Act of 1984, as amended (the “Cable Act”), and Section 702 of the Federal Telecommunications Act of 1996, as amended.

This notice does not cover anonymous or non-customer information that we may collect from our website, <https://vyvebroadband.com> (“Website”), which contains its own privacy policy, or any applications, web services or tools that you download or access from the Website.

We may modify this privacy notice at any time. We will notify you of any material change(s) through written, electronic or other means permitted by law. If you find the change(s) unacceptable and if the change(s) materially and adversely affect your Service, you have the right to cancel Service. If you continue to use the Service following notice of the change(s), we will consider that to be your acceptance of and consent to the change(s).

This notice is published at [www.vyvebroadband.com/company/policies](http://www.vyvebroadband.com/company/policies) where the most current version is maintained. We will also provide you with a copy of this notice annually, whether or not there have been modifications. We encourage you to read this notice carefully and contact us with any questions. This notice only covers information about you that is collected by us in connection with the provision of the Services. We refer to such information as “customer information.” The policies described in this notice do not apply to third parties who may host content, applications and advertisements on our websites and portals, or to third-party online services that you may access with our Internet Service. You should read the privacy policies for these other products, services, websites and providers to learn how they handle your personal information. When we use the terms “Vyve”, “Company”, “we”, “us” and “our” in this notice, we mean Vyve Broadband, LLC and any subsidiary of Vyve Broadband, LLC that provides Services under the names “Vyve Broadband A, LLC” or “Vyve Broadband J, LLC.” The terms “you”, “customer” and “subscriber” refer to you as a subscriber of one or more of our Services.

#### **A. What Types of Customer Information Does Vyve Collect?**

Vyve collects customer information from you when you subscribe to and use our Services, including personally identifiable information, such as your name, physical address, telephone numbers, social security number, driver’s license number, and email addresses (“Personally Identifiable Information”). Vyve also collects other non-personally identifiable information, such as (i) IP addresses, (ii) MAC addresses and other equipment identifiers, (iii) general location information, (iv) demographic, billing, maintenance, repair, service, equipment, software, and usage information, and (v) settings and preferences, to aid in customer support and in recommendations for you. If non-personally identifiable information is directly linked to Personally Identifiable Information, it will be considered personally identifiable information while it is linked. Personally Identifiable Information does not include aggregated or de-identified data that does not identify a particular person or persons. When we first set up our Services for you, and during any later changes or updates, we may collect technical information about your televisions, set-top boxes, computer hardware and software, cable

modems, telephones and/or other cable or other service-related devices, customization settings and preferences and additional information about the Service options you have chosen. We may remotely check equipment for purposes that include diagnostics and network security and maintain records of the results.

In addition, we generate and maintain billing and account information such as billing, payment, and deposit history; the Services to which you have subscribed; customer correspondence and communications records; information about your satisfaction or usage of a Service that we obtain from subscriber interviews or questionnaires or other feedback from you; and maintenance, repairs, and complaint information.

Sometimes, we also obtain additional information from outside sources to supplement the information we collect from you. We might add information about you or your community available from research consultants, marketing firms or other third parties (such as the information that merchants use in delivering catalogues by mail, or census information about neighborhoods).

If you rent your residence, we may have a record of whether landlord permission was required prior to installing our cable facilities as well as your landlord’s name and address. We may also collect information from third parties to verify information you have provided and from credit reporting agencies to, for example, determine your creditworthiness, credit score and credit usage.

**Information Collected on Our Website:** We may collect information about you via our Website, such as when you purchase Services, register to access your Vyve customer account online, sign up for an e-mail newsletter, or contact our customer service representatives via an e-mail link, the completion of an online form, or during an online chat. Information collected through the Website that is not associated with information about the Services is governed by the Website Privacy Policy.

**Service-Specific Customer Information:** We may also collect the following Service-specific customer information depending on the Service or Services to which you subscribe:

**Voice Service:** As part of delivering Voice Service, we collect information about your use of Voice Service, including information about calls made and received and their duration, calling patterns, the Service features and functions you use and the frequency of such use, and information contained on your telephone bill concerning the Voice Service you receive. When that information is accompanied by your name, address, or telephone number, it is known as customer proprietary network information or “CPNI” and is subject to special protections as described in Section D below.

**High-Speed Internet Service:** If you subscribe to our Internet Service, we transmit, and may collect and store for a period of time, information generated by the Internet Service when you send and receive email, video mail, and instant messages; transfer and share files; make files accessible; visit websites; or post blogs, comments, or other information. If you use a web-based email service, we do not collect any information regarding the emails that you send and receive. When you use our Internet Services, our system may automatically log information concerning Internet addresses you contact, and the duration of your visits to such addresses; however, we do not use or disclose any Personally Identifiable Information that may be derived from these logs for marketing, advertising or similar purposes. We have access to Personally Identifiable Information about you and your data account, including the name and address associated with a given IP

address. We also have information about how often and how long you use our Service, including the amount of bandwidth used; technical information about your modem; and your general geographical location.

**Video Service:** If you are a Video Service subscriber, we may automatically collect information when you use our systems such as by ordering or viewing on-demand programming, or engaging in other interactive programming features. This information is primarily used to carry out the requests you make using your remote control, set-top box, or other equipment. It may also include other information such as the time you use our Video Service, the use of other features of our Video Service, and which menus and menu screens are used most often and the time spent using them. Information collected from the Service is not maintained on a personally identifiable basis, except in connection with billing for usage of video on demand or pay-per-view services or as necessary to fulfill any other request or order you make via the transactional and interactive Service. Some of our advertisements may invite interactive or transactional follow-up from you. If you request products, services, features or information via such interactive advertisements, we collect and use the information generated by the request, including Personally Identifiable Information when necessary, in order to carry out your request.

We may also collect channel tuning data to determine which programs are most popular, how many people watch a program to its conclusion and whether people are watching commercials, as well as other audience measurement-focused information. All Personally Identifiable Information is removed from this data. Vyve, or our contractors or agents, may from time to time share this de-identified information with our advertisers, content providers, or other third parties working on our behalf such as audience measurement or market research firms. These firms may combine this information with information about you or your community (such as the information that merchants use in delivering catalogues by mail, or census information about neighborhoods) to provide us with audience analysis data. Our audience measurement helps us and the program networks we carry decide on which programs and channels to carry and to improve our Video Service.

We also use this information to provide you with a more personalized experience by directing advertisers to the channels that produce more sales as they consider, design, and evaluate advertising campaigns.

In addition to this notice, we may provide additional notices to you regarding specific advertising or other initiatives. These notices will describe the initiatives in greater detail and may, as appropriate, contain information you can use to choose to participate, or not participate, in these initiatives.

#### **B. How Does Vyve Use Customer Information?**

We use customer information, including Personally Identifiable Information, primarily to conduct business activities related to our provision of reliable, high-quality Vyve Service and to help us detect theft of Service. More specifically, we may use the information we collect from you to:

- Provide content, products and services, including the operational, management, and billing support necessary to accomplish those business purposes;
- Communicate with you about your account or transactions and send information about features and enhancements to the Service(s)
- Communicate about changes to our policies

- Personalize content and experiences, including providing recommendations based on your preferences
- Send offers or promotions for our products, services or special events
- Send offers or promotions for third-party products, services or special events
- Provide advertising, including advertising based on your activity through the Services
- Administer contests, sweepstakes, promotions, or surveys
- Optimize or improve our products, services and operations
- Detect, investigate, and prevent activities that may violate our policies or be illegal
- Perform statistical, demographic, and marketing analyses of users of the Website and their purchasing patterns

We may combine information we gather about you from multiple Services into a single record. We may also use or combine information that we collect offline or we collect or receive from third-party sources to enhance, expand, and check the accuracy of your customer records.

We may use your information in other ways not listed here, for which we will provide notice at the time of collection and as required by legal process.

#### **Interest-Based Advertising**

Vyve wants to make the advertisements it provides more relevant to you. We may collect and use information about you to deliver or facilitate the delivery of targeted advertisements for our Services or other services. Vyve uses third-party advertising companies to identify and present tailored online advertisements for our Services and products. We will not permit these third party advertising companies to use your name, address, e-mail address, telephone number or other Personally Identifiable Information for their own purpose.

#### **C. When Does Vyve Disclose Personally Identifiable Information to Third Parties?**

Unless prior written or electronic consent is obtained from you, we may disclose your Personally Identifiable Information only (1) when it is necessary to render Services to you, or to carry out related activities for our ordinary business purposes, at a frequency that varies in accordance with the particular business need, or (2) when such disclosure is required by law. To provide Services and carry out our business activities, certain authorized people have access to your information, including our employees, entities affiliated through common ownership or control with Vyve and third parties that provide and/or support our provision of the Services. The frequency of disclosures varies according to business needs, and may involve access on a regular basis.

The types of persons to whom information about you may be disclosed without your prior written or electronic consent include: our employees; installation, repair, customer service and subscriber assistance subcontractors; entities providing services to us that we resell or license to you; sales representatives; billing and collection services; program guide distributors; software vendors; credit reporting agencies; firms conducting market research on our behalf; and other related legal entities and other entities that we engage to perform the activities described in Section B above on our behalf.