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1. Introduction
2. What is the Purpose of This Privacy Policy?
3. How Does Company Define Personal Data?
4. What is the Scope of this Privacy Policy?
5. What are the Company Guidelines Regarding Children?
6. What about My Use of Company Forums?
7. What Kind of Information Does Company Collect?
8. How Does the Company Use, Store and Retain Personal Data?
9. How Does Company Share My Information?
10. Is My Personal Data Secure?
11. Your Rights and Choices
12. General Data Protection Regulation (GDPR)
13. California Consumer Protection Act (CCPA)
14. Cookies
15. Questions Regarding This Privacy Policy

## 1. INTRODUCTION

In this Privacy Policy, the terms “Company,” “we,” “us” or “our” each refer, collectively, to Intermedia.net, Inc. and its direct and indirect subsidiaries and is the entity that is providing you services and with whom you entered into the Master Service Agreement described below. Note that Company’s licensors, vendors and service providers may act in Company’s place with respect to any portion of this Privacy Policy.

## 2. WHAT IS THE PURPOSE OF THIS PRIVACY POLICY?

We created this Privacy Policy (“Policy”) to demonstrate our firm commitment to the privacy of our customers and resellers of our services, affiliates and visitors to our websites and mobile applications (and those of our vendors and affiliates).

## 3. HOW DOES COMPANY DEFINE PERSONAL DATA?

In this Privacy Policy, “Personal Data” means any information about an identified or identifiable individual, in accordance with the meaning of the General Data Protection Regulation (GDPR), or the applicable data protection law for the country in which you are located. Personal Data is collected, obtained or otherwise processed by Company in the following situations:

- Through access to or use of Company’s websites; and
- Through the submission of information by prospective customers, resellers or affiliates to Company for purposes of receiving more information about our services; and
- When a new customer, reseller or affiliate of Company creates a Company account; and
- When a new customer, reseller or affiliate of Company purchases our services (the “Services”), including as the term “Services” may be defined in your Master Service Agreement, reseller agreement, advisor agreement or other agreement with Company (the “Agreement”); and

- When a current customer or affiliate of Company uses our platform or Services or contacts our customer service or technical support team; and
- When a job applicant applies for a position with Intermedia.

***By visiting our websites, creating a Company account, purchasing Services, using our platform or Services, or applying for a position with Company, you accept the practices set forth in this Privacy Policy.***

#### 4. WHAT IS THE SCOPE OF THIS PRIVACY POLICY?

This Privacy Policy only covers Personal Data collected by Company. Company's websites may contain links to third-party websites. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that Company does not accept any responsibility or liability for these policies. Please check the applicable third-party privacy policies before you submit any data to such third-party websites.

#### 5. WHAT ARE COMPANY'S GUIDELINES REGARDING CHILDREN?

Company requires that all account holders be 18 years of age or older. In addition, our websites and Services are not designed for or directed to children under the age of 18, and Company does not knowingly collect or maintain Personal Data about any person under the age of 18. If you believe Company has collected any Personal Data from or about any person under 18, please contact us at [privacy@intermedia.net](mailto:privacy@intermedia.net).

#### 6. WHAT ABOUT MY USE OF COMPANY FORUMS?

Company may make chat rooms, forums, message boards, news groups and similar media, including social media, available to you. Please remember that any information that is disclosed in these areas may become public and you should exercise caution when deciding to disclose any Personal Data in any of these areas.

#### 7. WHAT KIND OF INFORMATION DOES COMPANY COLLECT?

Company may collect the following information, which may include Personal Data:

- Personal Data that you voluntarily provide when using our websites or Services, including contact information (e.g., email address, name, telephone number, home or work address, and ZIP code) and billing information (e.g., credit card number, bank account number and billing address);
- Personal Data that is generated through your actions by using our Services, which is collected, used and processed by Company solely for the purpose of delivering the Service to you;
- Technical standard information sent by your browser during visits to our websites or your use of our Services, including IP address, the type of device being used, your device's operating system, location information, internet or network activity, language preference and browser type;
- Information about general usage of our website collected by using a cookie file which is typically stored on the hard drive of your computer. Please see the "Cookies" section; and
- Company may collect one or more of the following categories of Personal Information (as such categories are defined or interpreted for purposes of the CCPA or other applicable law): identifiers; customer records information; characteristics of protected classifications under

California or federal law; commercial purchasing information; internet or network activity; professional or employment-related information; education information; and inferences drawn from Personal Information.

## 8. HOW DOES COMPANY USE, STORE AND RETAIN INFORMATION?

Company may use, store and retain information, which may include Personal Data, in the following ways:

- To provide you with information regarding the status of your account, to determine your tax status, and to bill you for our Services;
- To operate, provide and maintain the Services, including providing you with information and Services that you request from Company, delivering customer service or technical support, and carrying out Company's obligations arising from any agreement entered into between you and Company, including the Agreement;
- To manage our existing and prospective relationships with customers, resellers, distributors, vendors, service providers and affiliates, including accounting, auditing, billing and fee collection;
- To administer, test, analyze and improve Company's Services and to facilitate marketing services by Company and its marketing partners, including providing you with information about available Services and related products and services;
- To gather broad demographic and statistical information, and other de-identified or aggregated information, which Company may use for purposes such as understanding broad demographic trends and statistical information;
- To notify you about changes to the Services, welcome letters, billing reminders, technical notifications and security announcements;
- To comply with applicable legal requirements, industry standards and Company's procedures and policies, to enforce our Agreements, and to defend our legal rights; and
- For other purposes to which you may provide your consent.

Your Personal Data will be stored by us in accordance with applicable data protection laws to the extent necessary for the processing purposes outlined in this Privacy Policy. Your Personal Data will be deleted or made anonymous in accordance with Company's policies.

## 9. HOW DOES COMPANY SHARE INFORMATION?

Company does not directly sell your Personal Data in the traditional sense (i.e., transfer such data in exchange for money), but Company may share your Personal Data with third parties to help provide and improve Company's Services as follows:

- To entities within the Company's group and third-party business partners, consistent with the purposes described above;
- Billing information to organizations that process billing information on our behalf;
- In de-identified or aggregated form to third parties, such as usage information to our service and license providers for licensing compliance, licensing usage calculation, billing and support purposes;
- If you purchase Services from us through Costco, we may, to the extent permissible, share with Costco your name, address, telephone number, email address, the Services purchased and the Service installation date associated with your Company account. Any such information provided to Costco will be subject to Costco's privacy policy; and/or
- To vendors and contractors retained in connection with the provision of the Services or support of

Company's business. For example, Company may use service providers to measure Service usage and Service performance metrics; monitor security aspects of our Services and infrastructure; provide data storage services; and deliver customer service or technical support. Company will only release information that is needed to deliver the service for which the third-party vendor has been contracted. These vendors are required to maintain strict security and confidentiality of the information and are prohibited from using it for any other purposes other than in accordance with Company's instructions and policies.

In addition, Company may access and release your information, including Personal Data, under the following circumstances:

- Occasionally, Company may be required by law enforcement or judicial authorities to disclose your personal data to the applicable law enforcement authorities. Company will do so upon receipt of a court order or subpoena (or other mandatory legal process), to cooperate with a law enforcement investigation or if Company otherwise believe disclosure is necessary to exercise, establish or defend our legal rights. Company reserves the right to report to law enforcement authorities any activities that Company, in good faith, believes to be unlawful.
- If Company obtains your consent or permission to disclose or release your information, which Company may obtain in various ways. For example, Company may present you with an "opt-in" prompt when you access the Services, the administrative control panel for the Services and associated websites.
- If Company, any of its websites or Services or a related asset or line of business is acquired by, transferred to, or merged with another company.

## 10. IS MY PERSONAL DATA SECURE?

Company takes reasonable steps in an effort to ensure that your Personal Data is treated securely and in accordance with this Privacy Policy and requires its suppliers to do the same. Company maintains administrative, technical and physical safeguards that are intended to appropriately protect Personal Data against accidental or unlawful destruction, accidental loss, unauthorized alteration or access, misuse, and any other unlawful form of processing of the Personal Data in our possession. Your contact and financial information is submitted via a secure (HTTPS) connection and stored in the Company database protected by a firewall. Any payment transactions will be encrypted using SSL technology.

Although Company uses reasonable efforts to protect your Personal Data, transmission via the Internet is not completely secure. Therefore, Company cannot guarantee the security of your Personal Data transmitted using our websites or Services, and any transmission is at your own risk.

## 11. YOUR RIGHTS AND CHOICES

You have the right to request that Company not contact you or use your Personal Data for purposes which are not reasonably necessary for the administration of our websites and/or the provision of Services, such as marketing communications. If you wish to exercise this opt-out right or to terminate your account, you may indicate a preference to stop receiving further marketing communications from us by accessing available termination or opt-out features in the administrative control panel for your Account, by "opting out" by following the unsubscribe instructions provided in the communication you receive, or by contacting Company by e-mail (at such address as is provided on Company's website or in the Agreement). Where required under applicable law, Company will only send you marketing communications with your consent.

Please note that you cannot unsubscribe from certain correspondence from us regarding our provision of Services to you, including messages relating to your Account, unless you stop using our Services. In addition, certain information may be required in order to use our websites or Services; as such, the only practicable method to opt out of providing information in connection with the use of those websites or Services would be to refrain from subscribing to or using those websites or Services.

If you have any questions about this Privacy Policy, the privacy practices of our websites or Services, or your dealings with our websites or Services, please feel free to contact us.

You may also revise your contact and financial information or terminate your account through the administrative control panel for your Account.

## 12. GENERAL DATA PROTECTION REGULATION (GDPR)

### *Legal Basis for Processing*

If you are located in the EEA, Company only processes your Personal Data based on a valid legal ground, including when:

- You have consented to the use of your Personal Data; for example, to provide you with tailored advertising (such consent may be withdrawn at any time, solely as it relates to communications subsequent to such request);
- Company needs your Personal Data to provide you with the Services or otherwise fulfill Company's contractual obligations, including for account creation, the delivery of Company's Services, responding to your inquiries, and providing customer service and technical support;
- Company has a legal obligation to use your Personal Data, such as the obligation to protect intellectual property rights or restrict content available on the Service based on your location; or
- Company has a legitimate interest in using your Personal Data. For example, Company has a legitimate interest in using your Personal Data to conduct business analytics and otherwise improve the security and performance of Company's Services. Company may also share this information with third parties for this purpose.

### *Transfer of Personal Data*

If you are located within the EEA, Company complies with EU data protection law when transferring your Personal Data outside of the EEA. Your Personal Data will be transferred to, and processed in, countries outside the EEA, including the United States. These countries may not have similar data protection laws to the EEA. If Company transfers your Personal Data outside of the EEA, Company will protect your Personal Data as described in this Privacy Policy or as required by applicable law. However, Company takes adequate measures to ensure that your Personal Data will at all times be protected in accordance with applicable regulations as described in the Data Processing Agreement that forms part of the Agreement.

### *Your Data Protection Rights*

If you are located in the EEA, you have the following rights:

- **Right to Withdraw Consent:** You may withdraw your consent to the processing of your Personal Data at any time.
- **Right to Access:** You can request access to the Personal Data Company holds on you with some limited exceptions.
- **Right to Rectify:** If you feel the Personal Data Company holds on you is inaccurate, you can ask Company to correct or update it.

- **Right to Erasure:** You can request that Company erase your Personal Data, unless it is necessary for compliance with a legal obligation or for the establishment, exercise, or defense of legal claims. This right may be limited by law.
- **Right to Restrict the Processing:** You have the right to request that Company restrict processing if you contest the accuracy and wish to verify it, it has been unlawfully processed, or Company no longer needs the data but you need it to assert, exercise or defend legal claims.
- **Right to Object:** You have the right to object to the processing of your Personal Data if you disagree with any legitimate interest or public interest Company has relied upon to process your Personal Data.
- **Right to Data Portability:** You have the right to receive your Personal Data in a structured, commonly used and machine-readable format where your Personal Data is processed in reliance either on your consent or because such processing is necessary for the performance of a contract, and the Personal Data, in either case, is processed by automatic means.

Additionally you have the right to lodge a complaint with the Dutch Data Protection Supervisory Authority (Autoriteit Persoonsgegevens), PO Box 93374, 2509 AJ DEN HAAG, or, if GDPR provides that an alternative supervisory authority has jurisdiction over the applicable dispute, with such other supervisory authority.

These rights are not absolute and may be limited in certain circumstances, as permitted or required by applicable law. You may exercise your rights by contacting [privacy@intermedia.net](mailto:privacy@intermedia.net).

## 13. California Consumer Protection Act (CCPA)

### *Does Company Sell My Personal Data?*

No, Company does not sell your Personal Data in the traditional sense. Company may share your Personal Data with third parties to help provide Company's Services to you and for the other purposes described herein. Please review the section above entitled "How Does Company Share Information?" for more information.

### *Your Data Protection Rights*

If you are a California resident, you may submit a verifiable request for information, no more than twice within a 12-month period, regarding the: (1) categories of Personal Information collected, transferred, or disclosed by Company; (2) purposes for which categories of Personal Information are collected or transferred by Company; (3) categories of sources from which Company collects Personal Information; and (4) specific pieces of Personal Information Company has collected about you during the past twelve months. In order to receive such a report, or to access, change, or delete any Personal Information, please contact Company by visiting [here](#), by emailing Company at [privacy@intermedia.net](mailto:privacy@intermedia.net), or by calling Company toll-free at (888) 329-2278.

## 14. COOKIES

### *What are Cookies?*

Cookies are small text files that are placed on your device or browser when you make use of Company's websites, services, applications and/or administrative control panel. These allow Company's services to function more efficiently, for example, storing and honoring your settings or preferences, combating fraud, providing advertising, and analyzing how Company's services perform. Some cookies only last for a short duration and expire at the end of a session, for example, when you close a browser window. These are known as "session cookies." Other cookies last longer and remain stored on your browser or device and

can, for example, track your settings or activities on several sites. These are known as “persistent cookies.”

### *How does Company Use Cookies?*

When you access Company’s websites, services, applications and/or administrative control panel, Company may send one or more cookies (and/or similar technologies) to your computer. By sending you cookies with values that are unique, Company may be able to uniquely identify your web browser or device when you access Company’s websites, services, applications and/or administrative control panel. Company may use both “session” and “persistent” cookies to collect, store, and sometimes track various types of information.

### *Why Does Company Use Cookies?*

Company uses cookies to retain your session states and to offer you a personalized experience on Company’s websites, services, applications and/or administrative control panel. You can review the “Help” file in your browsers or mobile devices to learn the proper way to modify your cookie settings. Please be aware, however, that the use of cookies is necessary for the use of the administrative control panels and certain other aspects of Company’s websites, services, applications and/or administrative control panel.

### *What Are the Different Types of Cookies Used by the Company?*

The following are the different types of cookies that Company uses and why Company uses them:

#### Necessary Cookies

Company uses cookies that are necessary so Company’s website and Services can operate. These are required to monitor the functionality of Company’s site, improve security, and/or allow you to make use of functions such as the Partner Portal and web chat.

#### Performance Cookies

Company uses cookies to assess the performance of Company’s website, Services and administrative control panel to improve your user experience. This includes analyzing how users use Company’s website, Services and control panel and making sure they remain up and operational.

#### Functional Cookies

Company uses cookies that help with functionality when accessing or using Company’s website or Services. For example, cookies may be used to authenticate your credentials when you log into your account or to save your preferences or location settings.

#### Advertising or Targeting Cookies

Company uses cookies to deliver content tailored to you. Company also uses cookies to help measure the effectiveness of Company’s marketing campaigns. Company also partners with some authorized third parties who may place cookies on your device when you interact with Company’s website or Services.

When you visit one of Company’s websites, advertising companies may place a cookie or similar technologies on your computer and may collect certain information about your use of Company’s websites. These companies may use this information, as well as information they collect from your use of other websites, to display advertisements on the Internet about products and services they believe you may be interested in. You can learn more about this practice, and can learn about your choices with respect to the use of this information about you for customizing advertisements, at

[www.aboutads.info/choices](http://www.aboutads.info/choices).

### *“Do Not Track” Notice*

There is no accepted standard on how to respond to Do Not Track (DNT) signals, and Company does not respond to such signals. You can learn about DNT at [www.allaboutdnt.com](http://www.allaboutdnt.com).

## 15. QUESTIONS REGARDING THIS PRIVACY POLICY

### *How is this Privacy Policy Updated?*

Company reserves the right to change this Privacy Policy at any time. Any changes to the Privacy Policy will be posted to at least one of our websites, including at <https://www.intermedia.net/legal/policies>.

In the event that the changes materially alter your rights or obligations under this Privacy Policy, Company will make reasonable efforts to notify you of the change. For example, Company may send a message to your email address, if Company has one on file, or generate a pop-up or similar notification when you access Company’s Services or administrative control panel for the first time after such material changes are made. In addition, Company will obtain your consent prior to any new uses of your Personal Data, as may be required by law.

Your continued use of Company’s Services constitutes your acceptance of the terms of the Privacy Policy as amended or revised by Company from time to time.

### *Does Company adhere to the EU-U.S. Privacy Shield Framework?*

Prior to July 16, 2020, Company adhered to the EU-U.S. Privacy Shield Framework (“Privacy Shield”) set forth by the United States Department of Commerce and the European Commission regarding the collection, use, and retention of Personal Data collected from individuals located in the EEA. In its judgment of July 16, 2020 (Case C-311/18), however, the Court of Justice of the European Union has invalidated the Privacy Shield. As a result of that decision, the Privacy Shield is no longer a valid mechanism to comply with EU data protection requirements when transferring personal data from the European Union to the United States.

That decision does not relieve participants in the Privacy Shield of their obligations thereunder with respect to information that was, prior to the invalidation of the Privacy Shield, transferred in accordance with and in reliance upon the Privacy Shield (“Historical Privacy Shield Transferred Information”). Accordingly, solely with respect to Historical Privacy Shield Transferred Information, Company adheres to the Privacy Shield regarding the collection, use, and retention of Personal Data contained therein that was collected from individuals located in the EEA. For more information about the Privacy Shield Principles, please read our Privacy Shield Notice, which is available [here](#).