

ZIRKEL WIRELESS, LLC

PRIVACY POLICY

Broadband Privacy Policy and Your California Privacy Rights

Effective: March 2023

ZIRKEL WIRELESS, LLC (“Zirkel,” “we,” “our,” or “us”) understands that Customers care about how their personally identifiable information (“Personal Information”) is used and shared, and Zirkel takes Customers’ privacy seriously. Please read the following to learn more about Zirkel’s Privacy Policy. By using the Service (as defined in the Zirkel Wireless Internet Service Agreement) or accessing the Zirkel Website in any manner, Customer understands, acknowledges and agrees that Customer accepts the practices and policies outlined in this Privacy Policy, and Customer hereby consents that Zirkel will collect, use, and share Customer’s Personal Information in the following ways.

Remember that Customer’s use of the Service is at all times subject to the Zirkel Wireless Internet Service Terms and Conditions Agreement (“Service Agreement”) (available at: <https://www.zirkelwireless.com/about-us/termsandconditions/> which incorporates this Privacy Policy by reference. Customer’s use of the Zirkel Website is at all times subject to the Zirkel Wireless Service Agreement. Any capitalized terms not defined in this Privacy Policy will have the same meaning as defined in the Service Agreement.

Zirkel Services are designed and targeted to U.S. audiences and are governed by and operated in accordance with the laws of the U.S. If Customer is not a U.S. citizen or does not reside in the U.S., Customer voluntarily consents to the collection, transfer, use, disclosure and retention of Customer Personal Information in the U.S. Customer also agrees to waive any claims that may arise under Customer’s own national laws.

When Customer uses the Service, the Personal Information (as defined below) Customer sends and receives is transmitted over a fiber network or another transmission standard that may be subject to interception by unauthorized third parties who seek to do you harm. While it is Zirkel’s objective to take reasonable measures to reduce the risk that unauthorized third parties will be able to intercept the information Customer sends and receives through the Service, Zirkel cannot and does not make any guarantee that transmissions over the Internet are 100% secure or error-free.

Zirkel recommends that you use caution when sending any Personal Information over the Internet and use encryption technology whenever possible, such as websites that have the “https” designation in the website’s address bar and show a padlock icon in the browser’s window.

Zirkel does not knowingly collect, solicit or use Personal Information from anyone under the age of 13. If Customer is under 13, please do not attempt to register for the Services or send any Personal Information about yourself to Zirkel. If Zirkel learns that Zirkel has collected Personal Information from a child under age 13, Zirkel will delete that information as quickly as possible to the extent technically feasible. If Customer believes that Customer’s child under 13 may have provided Zirkel Personal Information, please contact Zirkel at support@zirkel.us.

Your California Privacy Rights

Under California Civil Code Sections 1798.83-1798.84, California residents are entitled to ask Zirkel for a notice identifying the categories of Personal Information which Zirkel shares (if Personal Information is shared) with its Affiliates and/or other third parties for their marketing purposes, and providing contact information for such Affiliates and/or third parties unless Zirkel meets certain exceptions under the law. This Privacy Policy qualifies for the exception to those requirements. Importantly, Zirkel does not target or knowingly provide Services to California residents, nor does Zirkel share Customer Personal Information with Affiliates or third parties for their own marketing purposes.

If Customer resides in California and Customer has an established business relationship with Zirkel, Customer may request information about Zirkel's opt-out and opt-in policies of sharing Customer Personal Information with other companies (including our Affiliates) for their marketing purposes. Please send Customer's written request via email or postal mail following the instructions below. Zirkel will not accept requests via the telephone or facsimile. Zirkel will not respond to requests that are not labeled or sent properly, or do not have complete information.

- For all requests, include Customer's full name, street address, city, state and zip code.
- In an email request, Customer must state "**Re: Your California Privacy Rights**" in the subject line and send Customer email to support@zirkel.us.
- In a postal request, Customer must send a letter or post card to:

Zirkel Wireless, LLC
1856 Kamar Plaza
Steamboat Springs, CO 80487
Attention: Your California Privacy Rights

What types of information does this Privacy Policy cover?

Zirkel collects various types of information about Customers and Customers' use of the Service via the Zirkel Website, Help Desk and call centers, postal mail, remote kiosks, the Zirkel Facebook Page or other social network platforms or by other means, generally classified as Personal Information and Non-Personal Information.

Generally, the Customer will be required to provide certain information to Zirkel and Zirkel will collect and use Personal Information in connection with providing the Service to Customer, including to personalize, evaluate, enhance and improve the Service and our ability to provide the Service to Customer, to contact Customer, to respond to and fulfill Customer requests regarding the Service, to troubleshoot, and to analyze how Customer uses the Service.

Zirkel may share Customer's Personal Information with its Affiliates and with other third parties for business and operational reasons as described below:

What types of information do we collect and how do we use this information?

Generally, Personal Information is information Customer provides to Zirkel voluntarily or passively through Customer's use of the Services and/or Zirkel Website, 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. For the purposes of this Privacy Policy, we also define Personal Information to include such information related to our commercial/business Customers and their end users.

The following are the different ways and reasons we collect Customer Personal Information:

Registration process, billing, and administration: Customer name, email address, phone number (wireless and wireline), billing address and billing information (such as credit card account number or other financial account information), service address, and the nature of any of Customer devices or other property making use of the Service. Personal Information also includes Customer proprietary network information ("CPNI") which is created by virtue of your relationship with Zirkel when you subscribe to our VoIP services or other telephony services. CPNI includes any information that relates to the telephony services purchased (including specific calls you make and receive), quantity, technical configuration, type, destination, location, and amount of use of our VoIP service, such as call detail, logs, and specifics regarding your VoIP account (such as billing information). Please note that by law, CPNI does not include a customer's name, postal address, or telephone number. We will also use this same Personal Information for the installation, troubleshooting, maintenance of the Services, and servicing of equipment.

Social Network Platforms: Zirkel has a presence on Facebook and other social media platforms and Customers voluntarily view, sign up to follow, or otherwise engage with our social media at their own level of interest. Customers on our social media platforms are governed by the privacy policy of the specific platform. Zirkel may obtain, transport or merge Personal Information posted publicly on social media platforms, however, we will not share any such Personal Information with any third party, except as otherwise noted in this Privacy Policy. Zirkel is not responsible for Personal Information that is publicly disclosed on social media platforms.

Some forms of information as described below will be classified as Personal Information if required by applicable law or when such information is directly associated with or reasonably linked to a specific person, computer or device, or is combined with other forms of Personal Information.

Website Information, Use of Cookies and other Similar Tracking Technology:

When you visit Zirkel's Website, Zirkel will collect information on Zirkel server logs from Customer's browser or device, which may include Customer IP address, unique device identifier, "cookie" information, the type of browser and/or device you're using to access the Service, and the page or feature Customer requested. "Cookies" and "web beacons" are text file identifiers Zirkel transfers to Customer's browser or device that allow Zirkel to recognize Customer's browser

or device and tell Zirkel how and when pages and features on the Zirkel website are visited, by how many people, and other activity on the website. Customer can change the preferences on Customer's browser or device to prevent or limit Customer's device's acceptance of cookies, web beacons or other similar technology, but this may prevent Customer from taking advantage of some of the features on the Zirkel website, or accessing certain functions and conveniences. If Customer clicks on a link to a third-party website or service, such third party may also transmit cookies to Customer. Again, this Privacy Policy does not cover the use of cookies or other such tracking technology by any third parties, and Zirkel is not responsible for their privacy policies and practices.

Personal Information also includes Customer proprietary network information ("CPNI") which is created by virtue of your relationship with Zirkel when you subscribe to our VoIP services or other telephony services. CPNI includes any information that relates to the telephony services purchased (including specific calls you make and receive), quantity, technical configuration, type, destination, location, and amount of use of our VoIP service, such as call detail, logs, and specifics regarding your VoIP account (such as billing information). Please note that by law CPNI does not include a customer's name, postal address, or telephone number.

Zirkel will communicate with Customer if Customer has provided Zirkel the means to do so. For example, if Customer has given Zirkel Customer's email address or phone number, Zirkel will email or call Customer about Customer use of the Service or product improvements or upgrades, and other transactional information about Customer's Service.

Zirkel may also combine Customer Personal Information with additional Personal Information obtained from Zirkel Facebook Pages or other social network platforms, its Affiliates, its Operational Service Providers (third party owned companies that provide or perform services on Zirkel's behalf, to help serve Customer better and to perform functions in order to support Zirkel businesses and operations), or other companies, such as credit bureaus, background check firms, and marketing research companies.

Some forms of Non-Personal Information as described below will be classified as Personal Information if required by applicable law or when such information is directly associated with or reasonably linked to a specific person, computer or device, or is combined with other forms of Personal Information.

Non-Personal Information

When you visit the Zirkel Website, Zirkel will collect various types of Non-Personal Information, such as information on Zirkel server logs from Customer's browser or device, which may include the type of browser and/or device you're using to access the Service, and the page or feature Customer requested, in addition to IP Address and other persistent device identifiers like cookies. Cookies are text file identifiers Zirkel transfers to Customer's browser or device that allow Zirkel, with web beacons (also known as pixel tags, web bugs, or clear GIFs (small objects or images embedded in a webpage or email)) to recognize Customer's browser or device and tell Zirkel how and when pages and features on the Zirkel Website are visited, by how many people, and other activity on the Zirkel Website. Cookies alone do not contain Personal Information unless you or a third party gives us Personal Information which may be linked to the data in the cookie. For

example, we may use a cookie to remember your password and user ID when accessing your profile on the Zirkel Website.

A Customer can change the preferences on Customer's browser or device to prevent or limit Customer device's acceptance of cookies or other similar technology, but this may prevent Customer from taking advantage of some of the features on the Zirkel Website, or accessing certain functions and conveniences like bill payment or easy access to your profile. If Customer clicks on a link to a third party website or service, such third party may also transmit cookies to Customer. Again, this Privacy Policy does not cover the use of cookies or other such tracking technology by any third parties, and Zirkel is not responsible for their privacy policies and practices.

Additional Uses of Personal Information and Non-Personal Information

Zirkel also uses Personal Information and Non-Personal Information to enhance and customize the Zirkel Website and Zirkel Service offerings. For example, such information can tell Zirkel how often visitors use a particular feature of the Zirkel Website and which products and services are most interesting to current and potential customers, and Zirkel can use that knowledge to make the Zirkel Website useful and interesting to as many users as possible and to enhance and refine Zirkel's Service offerings. Zirkel will continue to conduct analytics on Zirkel Website performance; Customer may not opt-out of this use of cookies or other Personal Information or Non-Personal Information.

Technology is improving every day and to improve Zirkel's Services, operation and function, Zirkel may introduce new technologies and monitoring techniques without advance notice or consent from Customer. Zirkel may also use third party providers to conduct such monitoring and internal analyses.

Network Information

Zirkel also collects Network Information, information about Customer access to, and use of, the Zirkel Network, which may or may not be directly associated with or reasonably linked to a specific person, computer or device. For example, Zirkel may collect information about the performance of the Provider Equipment installed on Customer property or at Customer premises, when Customer is using the Service, the various devices Customer is using to access the Service, the amount of data Customer is transmitting and receiving, the content of the data Customer is transmitting and receiving, the websites Customer is visiting, and any other information that is transmitted over the Zirkel Network. Zirkel may also aggregate Network Information from multiple subscribers and Zirkel will share such aggregated Non-Personal information about the overall performance of the Zirkel Service and network with other third parties. Aggregated information does not identify a specific individual, computer or device

How We Use Network Information

We use Network Information to monitor, enhance and customize the performance of the Zirkel Network. Zirkel will not monitor the content of the websites viewed or email

communications as part of Zirkel's standard network management. Generally, Zirkel will only monitor and preserve the following Network Information:

- When Customer is using the Service;
- How Customer is using the Service, such as monitoring traffic patterns regarding websites visited, amount of data being sent or received, or other activity;
- The amount of data Customer is transmitting and receiving through the Service; and
- General information regarding the performance of the Provider Equipment installed on Customer's property or at Customer's premises, and its interaction with the rest of Zirkel's network.

However, Zirkel reserves the right to, and may, monitor, access, review and preserve any Network Information and/or content in the following situations:

- In response to an inquiry from Customer or another Authorized User on Customer's account regarding Customer or his/her use of the Service or problems Customer or they are experiencing using the Service;
- If Zirkel has reason to believe Customer is using the Service in violation of Customer's Service Agreement or any applicable statutes, rules, ordinances or regulations;
- If Zirkel has reason to believe Customer use of the Service is negatively affecting other Customers; or
- When Zirkel is required by law or legal process to do so, or when Zirkel, in good faith, believes Zirkel is required by law or legal process to do so.

How is Personal Information used for marketing and advertising purposes?

Zirkel will use Personal Information to send Customer marketing and advertising messages related to Zirkel's Service and the Zirkel Website using Customer's email address, postal address, telephone number (for voice, texts, and pre-recorded calls), and/or IP Address. Zirkel may deliver a marketing or advertising message based on Customer visits to the Zirkel Website, which will be general advertising or "Contextual Advertising," which is advertising based on the subject matter or the content of the specific website page or subject matter. Zirkel may also send Customer "First Party Advertising," which is advertising that is customized or personalized based on a history of Customer's use of our Service (possibly combined with information from our Facebook fan page or other social media network platforms). First Party Advertising is based solely on a combination of information Zirkel collects from Customer – not from Customer's visits to other websites across the Internet. Zirkel may use CPNI for its own First Party Advertising for products/services a Customer has already purchased. We will need your consent before using CPNI for marketing or advertising unrelated services. Customer may opt-out of First Party Advertising but not Contextual Advertising. No Personal Information is used to deliver Contextual Advertising; it automatically will appear based on the content or webpage Customer is viewing. And Customer

may continue to receive general advertising if Customer opts-out of First Party Advertising, it will not be customized or personalized for Customer.

Zirkel does not provide third party “Network Advertising,” which is advertising based on Customer’s overall Internet usage across different third party websites or online services. Multiple third party websites and online services are involved in this tailored or personalized advertising process, in essence a “network” of advertising providers.

Because Zirkel does not provide network ads, Zirkel does not recognize the “Do Not Track” settings on various Internet browsers. Zirkel does not engage or allow third parties to track you across the Internet and across time for advertising purposes.

Links to other websites or online services

The Zirkel Website and/or Facebook Pages (or other social networking platforms) may contain a variety of content and functionality and may provide links to other third party websites or online services. Despite such links, this Privacy Policy applies only to Zirkel. The presence of a link does not constitute or imply Zirkel’s endorsement, recommendation, or sponsorship of the content, goods, services, business or privacy practices on such websites or online services. Zirkel encourages Customers to be aware and informed when Customers leave Zirkel’s website and Zirkel’s Facebook Pages, or any other social networking platforms.

Will Zirkel share Customer Personal Information?

Customer’s Personal Information will only be disclosed to third parties as listed in this Privacy Policy, if Zirkel has received your consent at the time Zirkel collects your Personal Information (prior to the disclosure of any Personal Information), or if required by law or due process. Zirkel reserves the right to fully use, disclose and process any Non-Personal Information collected from Customer in any manner as well as any information Customer makes public via Zirkel Services or Zirkel’s Website.

Zirkel will not rent, sell, or disclose Personal Information to anyone not related to Zirkel for marketing or promotional purposes, unless Zirkel changes ownership via a sale, merger or a corporate restructuring (see “For Business Transfers” below for more information). Zirkel will share Customer Personal Information with other third parties as described in this section for the following reasons:

- **To Our Affiliates:** Zirkel may rely on various Affiliates in order to provide the Service to Customers. These are companies that are related to Zirkel by common ownership or control. Zirkel may share Personal Information and Non-Personal Information with any of its Affiliates for business, operational, promotional and/or marketing and advertising purposes related to our Services.
- **To Our Operational Service Providers:** Zirkel and its Affiliates contract with other companies and people to perform tasks or services on Zirkel’s behalf and need to share Customer Personal Information to provide products or services to Customers. For example, Zirkel may use a payment processing company to receive and process Customer’s ACH or credit card transactions for Zirkel, or Zirkel may contract with third

parties to assist Zirkel in optimizing Zirkel's network. Unless Zirkel tells Customer differently, Zirkel does not grant its Operational Service Providers any right to use the Personal Information Zirkel shares with them beyond what is necessary to assist Zirkel.

- **For Business Transfers/Restructuring:** Zirkel may choose to buy or sell assets, or Zirkel may sell assets or be sold. In these types of transactions, Customer Personal Information is typically one of the business assets that would be disclosed and transferred. Also, if Zirkel (or Zirkel's assets) are acquired, or Zirkel goes out of business, enters bankruptcy, or goes through some other change of control, including restructuring, reorganization or financing arrangements, Personal Information would be one of the assets disclosed, transferred to or acquired by a third party.
- **For Protection of Zirkel, and Our Affiliates, Employees, Operational Service Providers, Users and Customers and Public Safety:** Zirkel reserves the right to access, read, preserve, and disclose any Personal Information Zirkel has access to if Zirkel believes doing so will implement and/or enforce our Service Agreement, Website Terms of Use Agreement, Privacy Policy or any legal document; protect our Network(s), Zirkel Website(s), and company assets; protect the interests, rights, property, and/or safety of Zirkel or our Affiliates, employees and officers/directors, shareholders, Operational Service Providers, Users and Subscribers, agents, representatives, third party licensors or suppliers, or the general public.
- **When Required by Law or in Response to Legal Process:** Zirkel reserves the right to access, read, preserve, and disclose any Personal Information to which Zirkel has access if Zirkel is required by law, regulation or legal process to do so, or if Zirkel has a good faith belief that Zirkel is required by law, regulation or legal process to do so.

Is Customer Personal Information secure?

Zirkel endeavors to protect the privacy of Customer's account and other Personal Information Zirkel holds in its records using reasonable administrative, technical and physical security measures. However, Zirkel cannot and will not guarantee complete security. Unauthorized entry or use, hardware or software failure, and other factors, may compromise the security of Personal Information at any time.

Customer's account is protected by a password for Customer privacy and security. It is Customer's responsibility to prevent unauthorized access to Customer's account and Personal Information by selecting and protecting Customer's password and/or other sign-on mechanism appropriately and limiting access to Customer computer, tablet or device and browser by signing off after Customer has finished accessing Customer's account. Customer is required to notify us immediately if Customer's password or account has been disclosed to a person whose name does not appear on Customer's account, even if you have allowed such disclosure. Customer understands, acknowledges and agrees that Customer is solely responsible for any use of Zirkel Services via Customer's username and password.

Additionally, if Customer contacts Zirkel, Zirkel will ask Customer for verification of Customer's identification and account. Zirkel will not send an email or text, nor should Customer respond to

any email or text communications asking for any sensitive or confidential Personal Information, such as social security number, bank account or credit card account number, or a driver's license number. If Customer receives an email or text requesting any such information from Zirkel or someone that claims they are with Zirkel please contact our Privacy Administrator immediately: support@zirkel.us.

For Zirkel's IT Support Services as detailed in our Service Agreement, the code that allows Zirkel to access Customer's computer desktop to help resolve technical problems is limited only for that specific session. Zirkel is not able to access Customer's Computer without Customer's knowledge, affirmative consent and involvement for technical support or troubleshooting.

What Personal Information can Customers access, modify and/or delete?

Generally, Customer may access the following Personal Information in Customer's account:

- Full name
- Username and password
- Email address
- Telephone number;
- Billing and Service address; and
- Account and billing information

By contacting Zirkel at support@zirkel.us, or any other online access Zirkel may create to enable Customers to view and modify Customer account settings, Customer may access, and, in some cases, edit or delete the Personal Information listed above. For example, Zirkel may retain historic email, billing and/or Service addresses for security and verification purposes. Customer may not delete such information.

When Customer updates Personal Information, however, Zirkel may maintain a copy of the unrevised information in Zirkel's records for internal security reasons and recordkeeping. Some information may remain in Zirkel's records after it is modified, amended or deleted by Customer or Zirkel. Zirkel may use any aggregated data derived from or incorporating Customer's Personal Information after Customer updates or deletes it, but not in a manner that would identify Customer personally. Zirkel may also maintain Personal Information regarding Customer and Customer's use of the Service after Customer is no longer a Zirkel Customer as required by Zirkel's business practices, by law, and/or tax reporting purposes.

The information Customer can view, update, and delete may also change. If Customer has any questions about viewing or updating information Zirkel has on file about Customer, please contact Zirkel at support@zirkel.us.

What third party disclosure choices do Customers have?

Customers can always choose not to disclose Personal Information to Zirkel; however, certain Personal Information is necessary for Zirkel to provide the Service to Customer. Customer may not opt out of sharing Personal Information for business or operational purposes but may opt-out of any sharing for marketing or advertising purposes.

Customers may opt out of email marketing and advertising from Zirkel or its Affiliates using the “Unsubscribe” mechanism in each email. Before Zirkel sends Customers a text or a pre-recorded or artificial voice call that contains advertising or marketing information, Zirkel will secure Customer’s prior written express consent, which can be given via a voice recording, email, text message, postal mail, or telephone key press. (Non-telemarketing pre-recorded/artificial voice calls (including texts) to a wireless device or a wireline residential phone using an autodialer only require a Customer’s prior express consent). Customers understand, acknowledge and agree that such texts and pre-recorded/artificial telemarketing calls may be sent using an autodialer and are not conditioned on your purchase of the Service. Customers may opt out of receiving text messages any time by replying “STOP” or “UNSUBSCRIBE” to the text message. Customers may opt out of receiving pre-recorded/artificial voice calls by the opt-out instructions in the call. Customer can also request to be added to Zirkel’s company-specific Do Not Call list to opt-out of advertising and marketing calls of all types. However, Customers will continue to receive calls related to debt-collection and Customer’s current Service. Customers may also opt-out of First Party Advertising, but not Contextual Advertising, as detailed in the “Use of Personal Information for Marketing or Advertising Purposes” section above.

Customer may not opt out of Zirkel’s use of cookies or other similar technology, or use of Customer’s Personal Information and Non-Personal Information for Zirkel’s internal analytics used to monitor activity on the Zirkel Website, measure Zirkel Service performance, or to operate and protect the Zirkel Network.

Will this Privacy Policy ever change?

Yes, Zirkel is constantly working to improve the Service, so Zirkel will need to update this Privacy Policy from time to time as Zirkel’s business practices change and service offerings increase, and/or there are changes in local, state or federal laws. Additionally, Zirkel will also make stylistic, organizational and/or grammatical changes to present Zirkel privacy practices in a user friendly easy to read manner. Zirkel will alert Customers to any such changes by placing a notice on the Zirkel Website with the effective date of the revised Privacy Policy, and/or by sending Customers an email, or by some other means to the extent required by law. Please note that if Customers have not provided Zirkel with Customer’s email address or Customer has not updated Customer contact information, those legal notices will still govern Customer use of the Service, and Customer is still responsible for reading and understanding all notices posted on the Zirkel Website. Customer’s continued use of the Service or the Zirkel Website after notice of any changes have been provided will indicate Customer’s acceptance of such changes, except where further steps are required by applicable law.

Use of Customer’s Personal Information is primarily governed by the Privacy Policy in effect at the time Customer subscribed to the Service or visited the Zirkel Website. If Zirkel elects to use or to disclose Personal Information that identifies Zirkel as an individual in a manner that is materially different than that stated in the Privacy Policy in effect at the time you subscribed to the Service or visited the Zirkel Website, Zirkel will provide Customer with an opportunity to consent to such use or disclosure. Depending on the circumstances, that consent may include an opt-out.

What if you have questions or comments about this Privacy Policy?

If you have any questions or concerns regarding Zirkel's privacy practices and policies, please contact Zirkel at teamzirkel@zirkel.us.

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