

# Privacy Policy

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Last updated: August 24, 2022

**PLEASE READ THIS PRIVACY POLICY (REFERRED TO AS “PRIVACY POLICY” OR “POLICY”) CAREFULLY TO UNDERSTAND HOW WE TREAT YOUR PERSONAL INFORMATION AND YOUR RELATED CHOICES AND RIGHTS. IF YOU DO NOT AGREE WITH THE TERMS AND CONDITIONS OF THIS POLICY, YOU SHOULD NOT ACCESS OR USE OUR SITE.**

**THE SITE IS INTENDED FOR USERS LOCATED IN THE UNITED STATES, CANADA, AND IN THE EUROPEAN UNION AND THE EUROPEAN ECONOMIC AREA; IT IS NOT INTENDED FOR USERS LOCATED IN ANY OTHER COUNTRIES.**

## Introduction

ARC Clean Energy, Inc. (referred to as “ARC,” “we,” “us,” and “our”) is committed to protecting the privacy and security of the personal information we collect, use, share, and otherwise process as part of our business. We also believe in transparency, and we are committed to informing you about how we treat your personal information.

This Privacy Policy describes our policies and procedures on the collection, use and disclosure of your personal information when you use our website, [www.arcenergy.co](http://www.arcenergy.co) (the “Site”), and it tells you about your privacy rights.

If you are a user in in the European Union (the “EU”) or European Economic Area (“EEA”), for purposes of the EU General Data Protection Regulation, 2016/679 (the “GDPR”), we act as a data controller with respect to the personal information we collect from you (“data subject”) as set forth below. As a data subject you have rights under the GDPR, as set forth more fully herein. We will always fully respect your rights regarding the processing of your personal data and encourage you to contact us if you have any concerns or questions regarding how we process your data, or if you wish to exercise any rights you have under the GDPR (see the Contact Us section of this Policy).

The application of this Privacy Policy is subject to the requirements or provisions of any applicable legislation, regulations or agreements (such as collective agreements), or the order of any court or other lawful authority.

## What Personal Data Do We Collect?

We collect the information listed below for the purposes described in the “How Do We Use and Share Your Information?” section of this Policy.

Category	Description
Contact Information	When you create a user account with us, we collect certain personal information, which is any factual or subjective information about an identifiable individual. Your personal information may include but is

	<p>not limited to your name, mailing address, phone numbers, email address, the password that you choose to create, if applicable, other identity information (e.g., age, date of birth), as well as other demographic information (location). We will collect this personal information with your express consent or as otherwise permitted by applicable law. This information is necessary to enable us to provide you the account you have requested and to maintain the account and your profile. You may update your account information by editing the information associated with your account.</p> <p><i>CCPA (as defined below) Categories of Personal Information:</i> Identifiers; Internet or Other Electronic Network Activity Information; Geolocation Data, ; Categories Described in the Customer Records Statute, Commercial Information</p> <p>We may decide to use on-line forum and community content to enhance our editorial, advertising, promotional and similar activities, conduct research and analytics, or enhance our services and other offerings. Please remember that any information you disclose in public forums or community areas may become public information and be immediately accessible to other users, so it is important for you to carefully consider what, if any, personal information you reveal in these areas.</p>
Usage Data	<p>Usage Data is collected automatically when using the Site. Usage Data includes information such as your device’s Internet Protocol address (e.g., IP address), browser type, browser version, the pages of our Site that you visit, the time and date of your visit, the time spent on those pages, unique device identifiers and other diagnostic data.</p> <p>When you access the Site by or through a mobile device, we may also collect certain information automatically, including, but not limited to, the type of mobile device you use, your mobile device unique ID, the IP address of your mobile device, your mobile operating system, the type of mobile Internet browser you use, unique device identifiers and other diagnostic data. We may also collect information that your browser sends whenever you visit our Site or when You access the Site by or through a mobile device.</p> <p><i>CCPA Categories of Personal Information:</i> Identifiers; Internet or Other Electronic Network Activity Information; Geolocation Data</p>
Cookies and Similar Technologies	<p>We use cookies and similar technologies. Please see the “Cookies and Similar Technologies” section of this Policy for more information.</p> <p><i>CCPA Categories of Personal Information:</i> Internet or Other Electronic Network Activity Information</p>
Communications and Questions	<p>If you contact us, in addition to your Contact Information, we will receive any comments, content, questions, or other information that you choose to provide.</p>

	CCPA Categories of Personal Information: Commercial Information; Internet or Other Electronic Network Activity Information
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## Cookies and Similar Technologies

### **First and Third-Party Cookies**

A “cookie” is a small file created by a web server that can be stored on your device (if you allow) for use either during a particular browsing session (a “session” cookie) or a future browsing session (a “persistent” or “permanent” cookie). “Session” cookies are temporarily stored on your hard drive and only last until they expire at the end of your browsing session. “Persistent” or “permanent” cookies remain stored on your hard drive until they expire or are deleted by you. Local shared objects (or “flash” cookies) are used to collect and store information about your preferences and navigation to, from, and on a website. First-party cookies are set by the website you’re visiting, and they can only be read by that site. Third-party cookies are set by a party other than that website.

### **Other Similar Technologies**

In addition to cookies, there are other automatic data collection technologies, such as Internet tags, web beacons (clear gifs, pixel tags, and single-pixel gifs), and navigational data collection (log files, server logs, etc.) that can be used to collect data as users navigate through and interact with a website. For example, web beacons are tiny graphics with unique identifiers that are used to understand browsing activity. In addition, UTM codes are strings that can appear in a URL when you move from one web page or website to another. The string can represent information about browsing, such as which advertisement, page, or publisher sent the user to the receiving website.

### **What Cookies and Similar Technologies Are in Use and Why Do We Use Them?**

We use Cookies and similar tracking technologies to track the activity on the Site and store certain information. For example:

**Google Analytics.** We use Google Analytics to collect and process statistical data about the number of people using the Site and to better understand how they find and use the Site. The data collected includes data related to your device/browser, your IP address, and on-site activities to measure and report statistics about user interactions. The information stored is reduced to a random identifier. Any data collected is used in accordance with this Policy and Google’s privacy policy. You may learn more about Google Analytics by visiting <https://www.google.com/policies/privacy/partners/> and <https://support.google.com/analytics/answer/6004245>. You can learn more about Google’s restrictions on data use by visiting the Google Privacy Policy at: <https://www.google.com/policies/privacy>. To opt-out of Google Analytics, visit <https://tools.google.com/dlpage/gaoptout> and install the opt-out browser add-on feature. For more details, visit the “Google Analytics opt-out browser add-on” page located at <https://support.google.com/analytics/answer/181881?hl=en>.

### **Other Third-Party Technologies**

Some third parties may use automated data collection technologies to collect information about you when you browse the Internet. We do not control these third parties’ technologies or how they may be used. If you have any questions about targeted content, you should contact the responsible party directly or consult their privacy policies.

## Choices About Cookies

Most web browsers are set by default to accept cookies. If you do not wish to receive cookies, you may set your browser to refuse all or some types of cookies or to alert you when cookies are being sent by website technologies. These settings may affect your enjoyment of the full functionality of the Site. In addition, adjusting the cookie settings may not fully delete all of the cookies that have already been created. To delete them, visit your web browser settings after you have changed your cookie settings. Additional information is provided below about how to disable cookies or manage the cookie settings for some of the leading web browsers:

**Google Chrome:** <https://support.google.com/chrome/answer/95647?hl=en>

**Firefox:** <https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences>

**Internet Explorer:** <http://windows.microsoft.com/en-GB/windows-vista/Block-or-allow-cookies>

**Safari:** <https://support.apple.com/guide/safari/manage-cookies-and-website-data-sfri11471/mac> and <https://support.apple.com/en-us/HT201265>

To learn how you can manage your Flash cookie settings, visit the Flash player settings page on Adobe's website at: <https://www.macromedia.com/support/documentation/en/flashplayer/help/help09.html>. For more information about how to modify your browser settings to block or filter cookies, visit <http://www.aboutcookies.org/>. You may learn more about internet advertising practices and related consumer resources at <http://www.aboutads.info/consumers/>, <http://www.networkadvertising.org/understanding-online-advertising/how-does-it-work>, or <http://www.networkadvertising.org/choices>.

## How Do We Use and Share Your Information?

### Use of Your Personal Data

We collect and use the types of personal information listed above in an effort to improve your experience on the Site, to provide services to you, and to communicate with you about the information you have requested. We may also use personal information to help target specific offers to you and to help us develop and improve our Site and services. Additionally, to the extent permitted by applicable law, we may use your personal data for the following purposes:

- Provide and maintain our Site
- Provide you with services, content, customer service, and functionality;
- Manage your access to and use of our services;
- Perform and honor our terms of service and contracts;
- Process and complete payments and other transactions;
- Operate and improve our operations, business, services, and the Site;
- Develop new products and services;
- Improve our customer service;
- Communicate with you and respond to your feedback, requests, questions, or inquiries;

- Manage our relationship with you;
- Maintain our databases and back-ups, including records of our communications with you;
- Ensure the privacy and security of our Site and services;
- Detect fraud and prevent loss;
- Support and improve the Site, including evaluations of functionality and features;
- Promote our services;
- Contact you about other products and services;
- Improve our marketing efforts, including by providing more tailored advertising;
- Assess the success of marketing campaigns;
- Invite you to participate in surveys or to personalize your experience with our services;
- Analyze use of the Site and our services and prepare aggregate traffic information;
- Provide you with a more personal and interactive experience on the Site;
- Determine and track user interests, trends, needs, and preferences;
- General business support purposes, including but not limited to procurement, financial and fiscal management, risk and compliance management, and external reporting;
- Facilitate corporate mergers, acquisitions, reorganizations, dissolutions, or other transfers;
- Accomplish any other purpose related to and/or ancillary to any of the purposes and uses described in this Policy for which your information was provided to us;
- Accomplish another purpose described to you when you provide the information, for which you have consented, or for which we have a legal basis under law;
- Comply with federal, state, or local laws;
- Comply with a civil, governmental, or regulatory inquiry, order, subpoena, summons, or process;
- Cooperate with law enforcement agencies;
- Exercise or defend legal rights or claims; and
- Create, use, retain, or disclose de-identified or aggregated data.

### Sharing of Your Personal Data

When we are acting as a data controller and where the GDPR does not apply, we may share your information in the below-listed contexts, to the extent permitted by applicable law. If we are acting as a data processor, disclosures in the following contexts will be limited in accordance with the instructions from the data controller.

Service Providers	We may share your personal information with our service providers that need access to information to provide operational or other support services on our behalf. Among other things, service providers help us to monitor and analyze the use of our Site, to contact you, support our operations, provide technical support, and assist with other legitimate purposes permitted by law.
Business Transfers	We may share or transfer your personal information in connection with, or during negotiations of, any merger, sale of company assets, financing, or acquisition of all or a portion of our business to another company. We may disclose your information in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets. If our organization is acquired by

	or merged with another company, your information may be transferred to the new entity.
Affiliates	We may share Your information with our affiliates. Affiliates include our parent company and any other subsidiaries, joint venture partners or other companies that we control or that are under common control with us.
Business Partners	We may share your information with our business partners to offer you certain products, services or promotions.
Other users	When you share personal information or otherwise interact in the public areas with other users, such information may be viewed by all users and may be publicly distributed outside.
Your consent	We may disclose your personal information for any other purpose with your consent.
Legal Obligations and Rights (Subpoenas, Court Orders, and Warrants)	We may disclose information in response to subpoenas, warrants, court orders or other legal process, or to comply with relevant laws. We may also share information in order to establish or exercise our legal rights or claims; to defend against a legal claim; and to investigate, prevent, or take action regarding possible illegal activities, suspected fraud, safety of person or property, or a violation of our contracts.
Professional Advisors	We may share your information with our and our affiliates' insurers, auditors, and professional advisors, including attorneys and accountants, that need access to your information to provide operational or other support services on our behalf.
Deidentified or Aggregated Data	We may disclose aggregated information or de-identified information that does not identify any specific individual, such as groupings of demographic data or customer preferences.

### **Retention of Your Personal Data**

We will retain your personal data only for as long as is necessary for the purposes set out in this Privacy Policy, to fulfill the purposes for which it was collected, to comply with our business requirements and legal obligations, to resolve disputes, to protect our assets, to operate our business, and to enforce our agreements. When applicable, we store your personal data in accordance with the instructions from our data controller clients.

We may delete your information if we believe it is incomplete, inaccurate, or that our continued storage of it is contrary to our objectives or legal obligations. When we no longer have a purpose to retain your personal information, we will securely destroy your personal information in accordance with applicable law and our policies. We take reasonable steps to delete the personal information we collect if your registration to use our Site lapses and you opt out of receiving further communications from us, or if you ask us to delete your information, unless we determine that doing so would violate our existing, legitimate legal, regulatory, dispute resolution, contractual, or similar obligations. When we delete data, it will be removed from our active servers and databases, but it may remain in our archives when it is not practical or possible to delete it.

To the extent permitted by law, we may retain and use anonymous, de-identified, or aggregated information for performance reporting, benchmarking, and analytic purposes and for operational improvement.

## Security of Your Personal Data

The security of your personal data is important to us, and we have put security measures in place to protect the personal information that you share with us from being accidentally lost, used, altered, disclosed, or accessed in an unauthorized manner. From time to time, we review our security procedures to consider appropriate new technologies and methods. Moreover, we maintain continuous development and maintenance of policies and practices to ensure that personal information is handled in strict accordance with applicable law.

While our security measures seek to protect the personal information in our possession, no method of transmission over the Internet, or method of electronic storage is 100% secure. As a result, while we strive to use commercially acceptable means to protect your personal data, we cannot guarantee its absolute security. Your use of the Site is at your own risk. We cannot guarantee that your data will remain secure in all circumstances.

We also use reasonable security measures when transmitting personal information to consumers in response to requests under the California Consumer Privacy Act (“CCPA”). We have implemented reasonable security measures to detect fraudulent identify-verification activity and to prevent the unauthorized access to or deletion of personal information.

If a data breach compromises your personal information, we will notify you and any applicable regulator when we are required to do so by applicable law.

## Your Rights and Choices Regarding Personal Information

Please use the “Contact Us” details provided at the end of this Policy to exercise your rights and choices under this Policy. We honor such requests when we are required to do so under applicable law.

**Is Entry of Personal Information Required?** You may choose not to provide us with any personal information. Even if you choose not to provide any personal information, you may still access and use much of the Site. However, you will not be able to access any portions of the Site that require your personal information. Some pages on the Site may give you the option of providing certain of your personal information about yourself. If you want to change any information about yourself that you have submitted, you may email [info@arcenergy.co](mailto:info@arcenergy.co).

**Email Opt-Out.** We may send you emails about our Site, services and other updates. If you no longer wish to receive communications from us via email, you may opt-out by clicking the “unsubscribe” link at the bottom of our emails, if applicable, or by submitting a request via the “Contact Us” details at the end of this Policy and providing your name and email address so that we may identify you in the opt-out process. Once we receive your instruction, we will promptly take corrective action.

**Accuracy and Updating Your Information.** Our goal is to keep your information accurate, current, and complete. If any of the information you have provided to us changes, please let us know via the “Contact Us” details at the end of this Policy. For instance, if your email address changes, you may wish to let us know so that we can communicate with you. If you become aware of inaccurate personal information about you, you may want to update your information. We are not responsible for any losses arising from any inaccurate, inauthentic, deficient or incomplete personal data that you provide to us.

**Right of Access.** If required by law (e.g., under the GDPR), upon request, we will grant reasonable access to the personal information that we hold about you.

**Right to Erasure and Deletion of Your Personal Information.** You may have a legal right (for instance, if you are located in the EU or EEA under the GDPR) to request that we delete your personal information when it is no longer necessary for the purposes for which it was collected, or when, among other things, your personal information has been unlawfully processed. All deletion requests should be sent to the address noted in the Contact Us section of this Policy.

We may decide to delete your personal information if we believe it is incomplete, inaccurate, or that our continued storage of your personal information is contrary to our legal obligations or business objectives. When we delete personal information, it will be removed from our active servers and databases and our Site; but it may remain in our archives when it is not practical or possible to delete it. We may also retain your personal information as needed to comply with our legal obligations, resolve disputes, or enforce any agreements.

**Right to Object.** In certain circumstances, as permitted under applicable law, you have the right to object to processing of your personal information and to ask us to erase or restrict our use of your personal information. If you would like us to stop using your personal information, please contact us, and we will let you know if we are able to agree to your request.

**Right to Withdraw Consent.** If you have provided your consent to the collection, processing, and transfer of your personal information, you have the right to fully or partially withdraw your consent. To withdraw your consent, please notify us using the information in the Contact Us section of this Policy, and you may follow opt-out links on any marketing communications sent to you.

Once we have received notice that you have withdrawn your consent, in whole or in part, we will no longer process your information for the purpose(s) to which you originally consented and have since withdrawn unless there are compelling legitimate grounds for further processing that override your interests, rights and freedoms or for the establishment, exercise or defense of legal claims. If you are exercising a right that is the responsibility of our data controller customers, we will direct you to contact the appropriate data controller who is responsible for responding to your request.

Withdrawal of consent to receive marketing communications will not affect the processing of personal information for the provision of our services.

**Complaints.** If you believe your rights relating to your personal information have been violated, you have a right to lodge a complaint with the applicable enforcement authority or seek a remedy through the courts. You may also lodge a complaint with us via the “Contact Us” details provided at the end of this Policy.



**European Union or European Economic Area Residents.** If you are located in the EU or EEA and believe we have not processed your personal information in accordance with applicable provisions of the EU GDPR, we encourage you to contact us at [info@arcenergy.co](mailto:info@arcenergy.co). You may lodge a complaint with your local data protection or supervisory authority.

### **Cross-Border Transfers of Personal Information**

*Residents of the United States and Canada.* We are located and established in the United States and Canada and, therefore, your personal information may be transferred to, stored, or processed in the United States and Canada. While the data protection, privacy and other laws of the United States and Canada might not be as comprehensive as those in your country, we take necessary and appropriate steps to protect the privacy and security of your personal information, in accordance with this Policy and applicable law. By using the Site or requesting services from us, you understand and consent to the collection, storage, processing, and transfer of your information to our facilities in the United States and Canada and those third parties with whom we share it as described in this Policy.

*Residents of the EU/EEA.* When storing, hosting, or otherwise processing your information (including personal data), we may send such data outside of the European Union (EU) and the European Economic Area (EEA). When we transfer information to the United States or other countries, we do so for the purposes set forth in this Privacy Policy and in accordance with applicable law. We rely on recognized legal bases to lawfully conduct cross-border/international transfers of personal information outside of the EU and EEA, such as your express informed consent to do so (as noted above), when transfer is necessary for us to deliver services pursuant to an agreement between us and you, or when the transfer is subject to safeguards that assure the protection of your personal information, such as the European Commission's approved standard contractual clauses.

**Nevada Residents.** You may submit a verified request to us at [info@arcenergy.co](mailto:info@arcenergy.co) to request that we not make any sale (as defined under Nevada law) of any covered information (as defined under Nevada law) that we have collected or will collect about you. Please provide your name and contact information in your request. We will respond to your request in accordance with Nevada law.

### **CALIFORNIA PRIVACY RIGHTS**

For purposes of this section regarding the CCPA, all terms shall have the meanings given in the CCPA, when applicable. This section applies only to California consumers, as defined under the CCPA. If your information is collected in the context of a business relationship with us, it may not be covered by the CCPA.

**CCPA Notice at Collection.** For purposes of the CCPA, we collect the categories of personal information listed in the "*What Personal Data Do We Collect*" section of this Policy. We may provide a separate notice at collection if we collect additional information or intend to use information for additional purposes.

### **DATA PRACTICES DURING THE LAST 12 MONTHS**

**Personal Information Collected:** As described in this Policy, we have collected the following categories of personal information identified in the CCPA during the preceding 12 months:

- Identifiers
- Categories described in the Customer Records Statute
- Commercial information
- Internet or other electronic network activity information
- Geolocation data
- Audio, electronic, visual, thermal, olfactory, or similar information
- Characteristics of protected classifications
- Professional or employment-related information

**Categories of Sources:** We have collected the personal information identified in this Policy from our customers and our trusted third-party data sources.

**Business and Commercial Purposes for Collecting:** We have collected the categories of personal information listed above for the purposes listed in the “*Use of Your Personal Data*” and “*Sharing of Your Personal Data*” sections above.

**No Personal Information Sold:** We have not sold personal information during the preceding 12 months.

**Personal Information Disclosed for a Business Purpose:** We have disclosed for a business purpose the categories of personal information listed below during the preceding 12 months:

- Identifiers
- Categories described in the Customer Records Statute
- Commercial information
- Internet or other electronic network activity information
- Geolocation data
- Audio, electronic, visual, thermal, olfactory, or similar information
- Characteristics of protected classifications
- Professional or employment-related information

We have disclosed each category of personal information to the following categories of third parties: (1) subsidiaries and affiliates; and (2) service providers (*e.g.* accounts, attorneys, advisors, mailing, marketing, shipping fulfillment, payment processing, Site administration, technical support, modeling, analytics).

**Do Not Sell My Personal Information.** Under the CCPA, California consumers have the right to direct us to stop selling personal information to third parties and to refrain from doing so in the future. For purposes of the CCPA, we do not sell personal information as defined under applicable law.

**Financial Incentives.** We do not offer financial incentives or any price or service difference in exchange for the retention or sale of your personal information.

**CCPA Requests to Know and Requests to Delete.**

The CCPA gives California consumers the right to request that we (1) disclose what personal information we collect, use, disclose, and sell, and (2) delete certain personal information that we have collected or maintain. You may submit these requests to us as described below, and we honor these rights where they apply.

However, by way of example, these rights do not apply where we collect or sell a consumer's personal information if: (1) we collected that information while the consumer was outside of California, (2) no part of a sale of the consumer's personal information occurred in California, and (3) no personal information collected while the consumer was in California is sold. In addition, de-identified information is not subject to these rights.

If a request is submitted in a manner that is not one of the designated methods for submission, or if the request is deficient in some manner unrelated to our verification process, we will either (1) treat the request as if it had been submitted in accordance with the designated manner, or (2) provide you with specific directions on how to submit the request or remedy any deficiencies with the request, as applicable.

**Request to Know.** As a California resident, you have the right to request: (1) the specific pieces of personal information we have collected about you; (2) the categories of personal information we have collected about you; (3) the categories of sources from which the personal information is collected; (4) the categories of personal information about you that we have sold and the categories of third parties to whom the personal information was sold; (5) the categories of personal information about you that we disclosed for a business purpose and the categories of third parties to whom the personal information was disclosed for a business purpose; (6) the business or commercial purpose for collecting, disclosing, or selling personal information; and (7) the categories of third parties with whom we share personal information. Our response will cover the 12-month period preceding our receipt of a verifiable request. We are committed to responding to requests to know in accordance with applicable law. However, your rights are subject to limitations, such as:

- We are only required to respond to requests to know twice in a 12-month period.
- We are prohibited from disclosing Social Security numbers, driver's license numbers, other government-issued identification numbers, financial account numbers, health insurance numbers, medical identification numbers, account passwords, security questions and answers or unique biometric data generated from measurements or technical analysis of human characteristics. We will, however, inform you with sufficient particularity that we have collected the type of information.

**Request to Delete.** As a California resident, you have a right to request the erasure/deletion of certain personal information collected or maintained by us. As described herein, we will delete your personal information from our records and direct any service providers (as defined under applicable law) to delete your personal information from their records. However, we are not required to honor a deletion request if an exemption applies under the law, for example, when it is necessary for us to maintain your personal information in order to:

- Complete the transaction for which the personal information was collected;
- Fulfill the terms of a written warranty or product recall conducted in accordance with federal law;
- Provide a good or service requested by you, or reasonably anticipated within the context of our ongoing business relationship with you;
- Otherwise perform a contract between us and you;
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity;
- Debug to identify and repair errors that impair existing intended functionality;
- Comply with the California Electronic Communications Privacy Act;
- Enable solely internal uses that are reasonably aligned with your expectations based on your relationship with us;
- Comply with a legal obligation; and
- Otherwise use the personal information, internally, in a lawful manner that is compatible with the context in which the information was provided.

### **Submitting a Request**

*Submission Instructions.* You may submit a Request to Know or a Request to Delete by email to [info@arcenergy.co](mailto:info@arcenergy.co). Regarding requests to delete, we may present you with the choice to delete select portions of your personal information, but a global option to delete all personal information will be offered and more prominently presented.

*Verification Process.* We are required by law to verify the identities of those who submit Requests to Know or Requests to Delete. To determine whether the individual making the request is the consumer about whom we have collected information, we will verify your identity by matching the identifying information provided by you in the request to the personal information that we already maintain about you. As a part of this process, you will be required to provide your name, email address, address, and/or telephone number. We require different levels of authentication based upon the nature of the personal information requested. We will inform you if we cannot verify your identity.

- If we cannot verify the identity of the person making a request for categories of personal information, we may deny the request. If the request is denied in whole or in part for this reason, we will provide a copy of, or direct you to, our Privacy Policy.
- If we cannot verify the identity of the person making the request for specific pieces of personal information, we are prohibited from disclosing any specific pieces of personal information to the requestor. However, if denied in whole or in part for this reason, we will evaluate the request as if it is seeking the disclosure of categories of personal information about the consumer.
- If we cannot verify the identity of the person making a Request to Delete, we may deny the request.
- If there is no reasonable method by which we can verify the identity of the requestor to the degree of certainty required, we will state this in our response and explain why we have no reasonable method by which we can verify the identity of the requestor.

**Authorized Agents.** Authorized agents may submit requests via the methods identified in this Policy. If you use an authorized agent to submit a request to know or a request to delete, we may require you to: (1) provide the authorized agent with signed permission to do so; (2) verify your identity directly with us; and (3) directly confirm with us that you provided the authorized agent permission to submit the request. However, we will not require these actions if you have provided the authorized agent with power of attorney pursuant to the California Probate Code.

**Excessive Requests.** If requests from a consumer are manifestly unfounded or excessive, in particular because of their repetitive character, we may either (1) charge a reasonable fee, or (2) refuse to act on the request and notify the consumer of the reason for refusing the request. If we charge a fee, the amount will be based upon the administrative costs of providing the information or communication or taking the action requested.

**CCPA Non-Discrimination.** You have the right not to receive discriminatory treatment by us due to your exercise of the rights provided by the CCPA. We do not offer financial incentives and price or service differences, and we do not discriminate against consumers for exercising their rights under the CCPA.

**California Shine the Light.** Under California Civil Code Section 1798.83, California residents who provide personal information in obtaining products or services for personal, family, or household use may be entitled to request and obtain from us once a calendar year information about the information we shared, if any, with other businesses for direct marketing uses. Please be aware that not all information sharing is covered by the “Shine the Light” requirements and only information on covered sharing, if any, will be included in our response. As part of the California Online Privacy Protection Act, all users of our Site may make any changes to their information at any time by contacting us at [info@arcenergy.co](mailto:info@arcenergy.co).

## **CANADA PRIVACY RIGHTS**

If you are located in Canada, you have the following rights under the Personal Information Protection and Electronic Documents Act (“PIPEDA”). All requests should be sent to the address noted in the “Contact Us” section of this Policy, and we will fulfill requests to the extent required by applicable law. We store your personal information in the United States and Canada and may be subject to United States and Canadian laws, and may be subject to disclosure to the governments, courts or law enforcement or regulatory agencies in the United States and Canada, pursuant to applicable law. By using our Site, you consent to the collection, storage, and processing of your information in the United States and in any country to which we may transfer your information in the course of our business operations. All of our service providers are required to maintain the confidentiality and security of your personal information and to use it only in compliance with applicable data privacy laws and are prohibited from using or disclosing your personal information for any purpose other than providing the services on our behalf or as otherwise required by applicable law.

**Consent.** We obtain your consent prior to collecting, using or disclosing your personal information for any purpose. The form of consent that we seek, including whether it is

express or implied, will largely depend on the sensitivity of the personal information and the reasonable expectations you might have in the circumstances. In limited circumstances, we may rely on a third party to obtain your consent to the sharing of your personal information with us. You may provide your consent to us either orally or in writing. We will not disclose, rent, sell or otherwise transfer your personal information without your consent, except as otherwise set out in this Privacy Policy.

**Right of Access.** We will make available to you any specific personal information of yours that we have collected, used or disclosed, upon your request, to the extent permitted by law. We will make such information available to you in a form that is generally understandable, including explaining any abbreviations or codes.

**Right of Rectification.** Our goal is to keep your personal information accurate, current, and complete. Please contact us if you believe your information is not accurate or if it changes.

**Right to Opt-Out.** From time to time, we may obtain your permission to send you marketing information about our product and service offerings or those of our marketing partners. We may combine personal information we received from you with publicly available outside records to enhance our ability to market products and services that may be of interest to you. If we obtained your permission to place you on a marketing email list, you can remove yourself from the list as set out in the "Contact Us" section below. You can also remove yourself from an email marketing list by clicking the "unsubscribe" button that appears on our emails.

**Other Email Marketing.** If you prefer not to receive email marketing from us or our affiliates, you may opt out of receiving commercial email messages from us or our affiliates by clicking on the "unsubscribe" link that is contained in those email messages.

**Telephone Marketing.** Please email us at [info@arcenergy.co](mailto:info@arcenergy.co) if you do not wish to receive telephone calls from us.

**Right to Access and Correct your Personal Information.** If you wish to access the personal information we have about you, or to correct factual errors in our records, please contact us in writing as set out in the "Contact Us" section below. To protect your privacy, we will take reasonable steps to help verify your identity before granting access or making corrections.

**Exclusions from Privacy Protection.** This Policy does not impose any limits on the collection, use or disclosure of the following information by us: a) information that is publicly available, such as a person's name, address, telephone number and electronic address, when listed in a directory or made available through directory assistance; b) business-contact information, such as the name, title or business address or telephone number of an employee of an organization; c) information collected, used or disclosed in the course of journalistic, literary or artistic activities; or d) aggregate information that cannot be associated with a specific person, such as demographic statistics about our customers, or number of visitors and average time spent on a website.

**Transfer of Information.** At times, we may use third parties outside of Canada to perform services for us involving some or all of a person's personal information. This may require transfer of information to those third parties. This information is subject to the laws of the parties' jurisdiction, including laws with respect to disclosure of such information.

Note: If any person at any time has any questions or concerns about our privacy practices, you can contact us via the information provided in the Contact Us section of this Policy.

### **Our Canadian Privacy Compliance Policy:**

#### Principle 1 – Accountability:

1.1 ARC is responsible for Personal Information under its control and shall designate one or more personnel who are accountable for ARC's compliance with all of our obligations with respect to Personal Information and our Canadian Privacy Compliance Policy. ARC's Chief Privacy Officer is Sandra Donnelly, who can be reached at [sdonnelly@arcenergy.co](mailto:sdonnelly@arcenergy.co).

1.2 ARC will maintain accountability over all data handled by a third party service provider and will ensure that adequate contracts are in place to protect Personal Information and not use Personal Information for any purpose other than per ARC's instructions.

1.3 ARC has implemented policies and practices to give effect to the ARC Canadian Privacy Compliance Policy including: (i) implementing procedures to protect Personal Information; (ii) establishing procedures to receive and respond to complaints and inquiries; (iii) training staff and communicating to staff information about ARC's policies and practices; and (iv) developing information to explain ARC's policies and procedures.

#### Principle 2 – Identifying Purposes for Collection of Personal Information:

2.1 ARC collects Personal Information for the purposes set forth in the *Use of Your Personal Data* section of this Policy.

2.2 ARC shall specify orally, electronically or in writing the identified purposes to the Person at or before the time Personal information is collected. Upon request, Persons collecting Personal Information shall explain these identified purposes or refer the Person to a designated person within ARC who shall explain the purposes.

2.3 Unless required by law, ARC shall not use or disclose, for any new purpose, Personal Information that has been collected without first identifying the new purpose and obtaining the consent of the Person.

#### Principle 3 – Obtaining Consent for Collection, Use, or Disclosure of Personal Information:

3.1 Except in rare cases (investigations, etc.) or where inappropriate, Personal Information can only be collected, used and disclosed with the knowledge and consent of the user.

3.2 Generally, ARC shall seek consent to use and disclose Personal Information at the same time it collects the information. However, ARC may seek consent to use and disclose Personal Information after it has been collected but before it is used or disclosed for a new purpose.

3.3 In obtaining consent, ARC shall use reasonable efforts to ensure that a Person is advised of the identified purposes for which Personal Information will be used or disclosed. Purposes shall be stated in a manner that can be reasonably understood by the Person.

3.4 ARC will require Individuals to consent to the collection, use or disclosure of Personal Information as a condition of the supply of a product or service only if such collection, use or disclosure is required to fulfill the identified purposes.

3.5 In determining the appropriate form of consent, ARC shall take into account the sensitivity of the Personal Information and the reasonable expectations of the Persons.

3.6 In general, the use of products and services by an Individual constitutes implied consent for ARC to collect, use and disclose Personal Information for all identified purposes.

3.6 An Individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Individuals may contact ARC for more information regarding the implications of withdrawing consent.

3.7 In certain circumstances Personal Information can be collected, used or disclosed without the knowledge and consent of the Person. For example, ARC may collect or use Personal Information without knowledge or consent if it is clearly in the interests of the Person and consent cannot be obtained in a timely way, such as when the Person is a minor, seriously ill or mentally incapacitated.

3.8 ARC may also collect, use or disclose Personal Information without knowledge or consent if seeking the consent of the Person might defeat the purpose of collecting the information such as in the investigation of a breach of an agreement or a contravention of a federal or provincial law.

3.9 ARC may also use or disclose Personal Information without knowledge or consent in the case of an emergency where the life, health or security of an individual or property is threatened.

3.10 ARC may disclose Personal Information without knowledge or consent to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise related to the legal or regulatory requirements described herein.

3.11 Individuals can withdraw consent, subject to legal and contractual limitations, except as otherwise prohibited by applicable law.

#### Principle 4 – Limiting Collection of Personal Information:

4.1 ARC shall limit the collection of Personal Information to that which is necessary for the purposes identified by ARC and for which consent has been obtained.

4.2 ARC shall collect Personal Information by fair and lawful means.

4.3 ARC collects Personal Information primarily from Individuals.

4.4 ARC may also collect Personal Information from other sources including credit bureaus, employers or personal references, or other third parties that represent that they have the right to disclose the information.



4.5 Non-identifiable information should always be used unless Personal Information is necessary for the legitimate purpose.

Principle 5 – Limiting Use, Disclosure and Retention of Personal Information:

5.1 ARC shall not use or disclose Personal Information for purposes other than those for which it was collected, except with the consent of the Person or as required by law. ARC shall retain Personal Information only as long as necessary for the fulfillment of the purposes for which it was collected.

5.2 In certain circumstances Personal Information can be collected, used or disclosed without the knowledge and consent of the Person. (See Principle 3.7 and 3.9)

5.3 In addition, ARC may disclose a Person's Personal Information to: (i) another person for the development, enhancement, marketing or provision of any of the products or services of ARC; (ii) a person who, in the reasonable judgment of ARC, is seeking the information as an agent of the Person; (iii) a Third Party or Third Parties, where the Person consents to such disclosure or disclosure is required by law; (iv) as otherwise set forth in this Policy.

5.4 Only those Employees of ARC who require access for business reasons, or whose duties reasonably so require, or properly designated representatives of ARC, are granted access to Personal Information about Individuals.

5.5 ARC shall keep Personal Information only as long as it remains necessary or relevant for the identified purposes or as required by law.

5.6 ARC shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to Personal Information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased or made anonymous.

Principle 6 – Accuracy of Personal Information:

6.1 Personal Information shall be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.

6.2 Information should be collected directly from the individual, if possible.

6.3 Third party information should only be used with consent and if ARC is confident in the quality of the data.

6.4 Personal Information used by ARC shall be sufficiently accurate, complete and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about a Person.

6.5 ARC shall update Personal Information about Persons as and when necessary to fulfill the identified purposes or upon notification by the Person.

Principle 7 – Security Safeguards:

7.1 ARC shall protect Personal Information by security safeguards appropriate to the sensitivity of the information. The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution, and format of

the information, and the method of storage. ARC will safeguard more sensitive information with a higher level of protection.

7.2 ARC shall use at least industry standard levels of protection, which include, but are not limited to: (i) physical measures (e.g., locked filing cabinets and restricted access to offices; (ii) organizational measures (e.g., security clearances and limiting access on a “need-to-know” basis; and (iii) technological measures (e.g., encryption).

7.3 ARC shall protect Personal Information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures. ARC shall protect the information regardless of the format in which it is held.

7.4 ARC shall protect Personal Information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.

7.5 All employees of ARC with access to Personal Information shall be required as a condition of employment to respect the confidentiality of Personal Information.

7.6 ARC has a data breach response plan in place to address any breach of security safeguards. After November 1, 2018, all breaches of security safeguards have been documented and these records maintained for two (2) years.

#### Principle 8 – Openness:

8.1 ARC shall make readily available to Persons specific information about its policies and practices relating to the management of Personal Information.

8.2 ARC shall make information about its policies and practices easy to understand, including: (i) the title and address of the person or persons accountable for the compliance with the ARC Canadian Privacy Compliance Policy and to whom inquiries or complaints can be forwarded; (ii) the means of gaining access to Personal Information held by ARC; (iii) a description of the type of Personal Information held by ARC, including a general account of its use; and (iv) what Personal Information is made available to related organizations, if any (e.g., subsidiaries).

8.3 ARC shall make available information to help Persons exercise choices regarding the use of their Personal Information.

#### Principle 9 – Access to Personal Information:

9.1 ARC shall inform a Person of the existence, use and disclosure of his or her Personal Information upon request and shall give the Person access to that information. Personal Information shall be provided in understandable form within a reasonable time and at minimal or no cost to the Person.

9.2 Upon request, ARC shall afford to a Person a reasonable opportunity to review the Personal Information in the Person's file.

9.3 A Person shall be able to challenge the accuracy and completeness of the Personal Information and have it amended as appropriate.

9.4 In certain situations, ARC may not be able to provide access to all of the Personal Information that they hold about a Person. For example, ARC may not provide access to information if doing so would likely reveal Personal Information about a Third Party or could reasonably be expected to threaten the life or security of another person. Also, ARC may not provide access to information if disclosure would reveal confidential commercial information, if the information is protected by solicitor-client privilege, if the information was generated in the course of a formal dispute resolution process, or if the information was collected in relation to the investigation of a breach of an agreement or a contravention of a federal or provincial law, or if the information was collected as part of journalistic, literary or artistic activities. If access to Personal Information cannot be provided, ARC shall provide the reasons for denying access upon request.

9.5 Upon request, ARC shall provide an account of the use and disclosure of Personal Information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, ARC shall provide a list of organizations to which it may have disclosed Personal Information about the individual when it is not possible to provide an actual list.

9.6 In order to safeguard Personal Information, an individual or employee may be required to provide sufficient identification information to permit ARC to account for the existence, use and disclosure of Personal Information and to authorize access to the individual's file. Any such information shall be used only for this purpose.

9.7 ARC shall promptly correct or complete any Personal Information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the Person's file. Where appropriate, ARC shall transmit to third parties having access to the Personal Information in question any amended information or the existence of any unresolved differences.

#### Principle 10 – Challenging Compliance:

10.1 A Person shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for the compliance of ARC with the ARC Canadian Privacy Compliance Policy.

10.2 ARC shall maintain procedures for addressing and responding to all inquiries or complaints from Persons about ARC's handling of their Personal Information, which procedures should be accessible and simple to use. If any Person at any time has any questions or concerns about ARC's privacy practices, the Person can write to ARC's Canada Office to the Attention of Chief Privacy Officer, Sandra Donnelly at Brunswick Square, Suite 900, 1 Germain Street, Saint John, NB E2L 4V1, or email at [sdonnelly@arcenergy.co](mailto:sdonnelly@arcenergy.co).

10.3 ARC shall inform Persons about the existence of these procedures as well as the availability of complaint procedures.

10.4 The person or persons accountable for compliance with the ARC Canadian Privacy Compliance Policy may seek external advice where appropriate before providing a final response to individual complaints.

10.5 ARC shall investigate all complaints concerning compliance with the ARC Canadian Privacy Compliance Policy. If a complaint is found to be justified, ARC shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and

procedures. A Person shall be informed of the outcome of the investigation regarding his or her complaint.

### **Children's Privacy**

The Children's Online Privacy Protection Act ("COPPA"), as well as other data privacy regulations, restrict the collection, use, or disclosure of personal information from and about children on the Internet. Our Site and services are not directed to children aged 13 or younger, nor is information knowingly collected from children under the age of 13. No one under the age of 13 may access, browse, or use the Site or provide any information to or on the Site. If you are under 13, please do not use or provide any information on the Site (including, for example, your name, telephone number, email address, or username). If we learn that we have collected or received personal information from a child under the age of 13 without a parent's or legal guardian's consent, we will take steps to stop collecting that information and delete it. If you believe we might have any information from or about a child under the age of 13, please contact us via the "Contact Us" details provided at the end of this Policy.

For more information about COPPA, please visit the Federal Trade Commission's website at: <https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>.

### **Links to Other Websites**

This Policy only applies to the Site, and it does not apply to any third-party websites or applications.

Our Site may contain links to other websites that are not operated by us. If you click on a third party link, You will be directed to that third party's site. These links are to external resources and third parties that have their own privacy policies. Because of the dynamic media capabilities of the Site, it may not be clear to you which links are to external, third-party resources. If you click on an embedded third-party link, you will be redirected away from the Site to the external third-party website. You can check the URL to confirm that you have left the Site.

We cannot and do not (1) guarantee the adequacy of the privacy or security practices employed by or the content and media provided by any third parties or their websites, (2) control third parties' independent collection or use of your information, or (3) endorse any third-party information, products, services or websites that may be reached through embedded links on the Site.

Any information provided by you or automatically collected from you by a third party will be governed by that party's privacy policy and terms of use. If you are unsure whether a website is controlled, affiliated, or managed by us, you should review the privacy policy and practices applicable to each linked website. We strongly advise you to review the Privacy Policy of every site you visit. We have no control over and assume no responsibility for the content, privacy policies or practices of any third party sites or services.

## **Changes to this Privacy Policy**

We may update our Privacy Policy from time to time. Any such changes, updates, or modifications will be effective immediately upon posting.

At a minimum, we will notify you of any changes by posting the new Privacy Policy on this page. If we make material changes, we will also let you know via email and/or a prominent notice on Our Site. The "Last updated" date is available at the top of this Privacy Policy.

You are advised to review this Privacy Policy periodically for any changes. Your continued use of the Site after the "Last Updated" date will constitute your acceptance of and agreement to any changes and to our collection and sharing of your information according to the then-current Policy. If you do not agree with this Policy and our practices, you should not use the Site.

## **Contact Us**

For more information, or if you have any questions regarding this Privacy Policy, wish to access personal information we hold about you, believe the personal information we have about you is incorrect, or wish to lodge a complaint with us about how we have handled your personal information, you may contact us using the information below, and we will do our best to assist you:

**By email:** [info@arcenergy.co](mailto:info@arcenergy.co)

**By visiting this page on our website:** <https://www.arcenergy.co/contact>

**By mail:**

United States Office: ARC Clean Energy, Inc., Suite 900, 901 K Street, NW,  
Washington, DC 20001, USA

Canada Office: Brunswick Square, Suite 900, 1 Germain Street, Saint John, NB E2L  
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