

## ESPIAL ELEVATE PRIVACY POLICY

Espial Group Inc, (Espial) provides the Espial Elevate (formerly Whole Home Solution) products and related services. To provide you with the benefits of these products, Espial must collect and uses certain types of information from you. Espial has created this Espial WHS Privacy Policy ("Privacy Policy") to explain our privacy practices and policies in connection with the Espial Elevate (formerly Whole Home Solution) Services.

### ***YOUR CALIFORNIA PRIVACY RIGHTS***

Pursuant to California Civil Code Section 1798.83(a), if you downloaded or otherwise received, installed or use the software and/or services of the Espial Elevate, you may request the following information, which will be provided to you either in writing or e-mail free of charge: (1) a list of the categories of personal information disclosed by Espial to third parties (which may include your Service Provider) for the third parties' direct marketing purposes during the immediately preceding calendar year and (2) the names and addresses of all third parties that received personal information from Espial for the third parties' direct marketing purposes (again, which may include your Service Provider) during the preceding calendar year and, if the nature of the third parties' business cannot reasonably be determined from the third parties' name, examples of the products or services marketed, if known to Espial, sufficient to give you a reasonable indication of the nature of the third parties' business. Consumer requests for this information should be sent to [legal.operations@enghouse.com](mailto:legal.operations@enghouse.com)

### ***WHAT DOES THIS PRIVACY POLICY COVER?***

Except as noted in the next paragraph, this Privacy Policy applies to you if you downloaded or otherwise received, installed or use the Espial software and/or services of the Espial Elevate ("Services") on a television, a television set-top box, home media center, computer, entertainment device or other device providing similar functions (collectively, "Device"). We and your Service Provider may collect information relating to your use of the Services in order to provide services and features that are easy to use and responsive to your needs and interests. Please visit your Service Provider's web site for the Service Provider's privacy policy. We may also use this information to enhance your services and features, to give you superior customer service, to provide you with convenient access to the products and services, and to make a wider range of products available to you.

This Privacy Policy will not apply to you if you received the Services through a cable television provider or other video service provider (such as your telephone company or satellite service). In this event, the privacy policy established by your service provider will govern the collection and use of your personal information. If you have any questions as to which policy applies to you, please email us at [legal.operations@enghouse.com](mailto:legal.operations@enghouse.com)

**Please read this Privacy Policy carefully. By downloading, installing and/or using the Espial Elevate product and/or software or using our Services, you agree to the provisions of this Privacy Policy.**

1. **Espial Collection and Use of Information.** Espial collects various categories of information in connection with the use of the Services. Some of this information specifically identifies you or your household. The following definitions provide a system for classifying this information. The following are more specific types of Customer Information.
  - i. **Account Information.** Account Information is information about your Service account, including your Contact and Service Information (defined below) and other account related information such as the video service provider you use, the type of service you use (digital or analog), your Device type and model number, your level of service (e.g., basic or premium), the amount of use of any

metered service or other similar usage information that is necessary for us to manage your account, your subscription to features or services offered through the Services and privacy preferences. Account Information also includes information we may receive through means other than the Service from you or a technology provider, service provider, third party website, or merchant involved in the development and/or provision of the functionality of the Device and/or the Services. However, Account Information does not include any Personally Identifiable Information, as defined below. We wish to tell you about two specific categories of Account Information:

"Contact Information" means information that allows someone to identify or contact you, including, for example: your name, address, telephone number and email address. Contact Information is a subset of Account Information as it is linked to your account number.

"Service Information" means information necessary for Espial to provide Services to your Device. Examples of Service Information include your software version number, your television program or content service provider, level of service and the last attempted connection between your Device and Espial servers. The Service Information is always transmitted to Espial when the Device is connected to the Espial Services.

We also use your Account Information in aggregate, anonymous form to better understand how our subscribers use our services, which services they use and who is likely to be interested in receiving certain services and other legitimate business purposes.

- ii. **Program Information.** Program Information is information about the television program choices that you and those in your household make while using the Services. There are two types of Program Information

"Personally Identifiable Program Information" means Program Information that is linked to or associated with your Contact Information, but excludes any information described elsewhere in this Privacy Policy as Device Utilization Information or Service Information.

Your Device uses Personally Identifiable Program Information to populate your "Favorites" filter with channels that you frequently choose, or select advertisements or other promotions that you may be interested in. We do not collect your Personally Identifiable Program Information without your consent. A method to consent is set forth below in Section 3.2. Upon receiving this information from your Device, we immediately "anonymize" the information by removing any identifier that can be associated with your personal Contact Information. If you expressly choose to allow us to collect your Personally Identifiable Program Information, we may use this information for surveys, audience measurement, and other legitimate business purposes.

"Anonymous Program Information" means Program Information that is *not* linked to or associated with information that allows someone to identify you. Anonymous Program Information may be associated with or include other Account Information or Commerce Information that does not allow us or anyone else to identify you. To help us provide and enhance the services and better understand its value to our customers, we receive this type of anonymous information from your Device as you use the Services. It allows us to understand usage of the Services and Devices at a ZIP Code level.

We use Anonymous Program Information to troubleshoot technical issues with our service and network. We also use Anonymous Program Information to compile statistics and reports of usage of the Service, such as "Most Watched" or "Most Recorded" programs. To enable

technical support, Anonymous Program Information may be identified by an anonymous random number which is not connected to any of your personally identifiable information. To further protect your privacy, Anonymous Program Information does not include Contact Information or any other information that would identify any specific individual or household.

- iii. **Device Utilization Information.** Device Utilization Information is data that contains detailed information about the operation of a Device, such as memory management, storage management, and internal environmental monitoring such as abnormal changes in components' temperatures and operating levels. Device Utilization Information records are linked to your Account Information. Device Utilization Information does not include Program Information. We use Device Utilization Information for technical troubleshooting, quality control, customer support and enhancement of the Services.
- iv. **Feature Information.** Feature Information is personally identifiable information about (i) television programming or other content that you request your Device to record or identify, (ii) a feature offered by a third party which you have requested through the Services or (iii) the use of certain features such as online scheduling.

If the feature or service is offered by a third party, Espial will collect and communicate to the third party the necessary Customer Information to complete the transaction. In the case of third party service providers, the use of this information will be governed by the privacy policy of the respective third party service provider. Espial collects this information upon your affirmative choice to use a particular feature or service. Again, Espial does not control such third parties.

- 2. **Espial Disclosure of Customer Information to Third Parties.** We may disclose aggregated, anonymous Account Information, aggregated, anonymous Device Utilization Information, aggregated Anonymous Program Information and analyses and reports derived from such information to third parties including broadcasters, our service providers, advertisers, merchants, consumer and market research companies and other organizations.
  - i. to third party advertiser or promoter;
  - ii. Factors Beyond our Control;
  - iii. Compliance with the Law;
  - iv. Protection of Our System and Services.

### **3. Your Choices Regarding Customer Information**

- i. **Initial Privacy Settings.** The initial privacy preferences for your account, summarized below, do not allow us to collect Personally Identifiable Program Information, but do allow us to collect, use, and disclose Anonymous Program Information and Device Utilization Information, in addition to Account Information, in manners consistent with this Privacy Policy. Commerce Information and Feature Information are collected, used, and disclosed only upon your affirmative response to an offer or request for the product, service or feature concerned.

In summary, your default privacy settings are:

- (1) Account Information Required to Provide Service\* Espial Privacy Policies and California Privacy Rights Statement 20140320
- (2) Personally Identifiable Program Information Not collected, unless you opt-in
- (3) Anonymous Program Information Required to Provide Service\*
- (4) Device Utilization Information Required to Provide Service\*

- (5) Commerce Information Not collected, unless you opt-in
- (6) Feature Information Not collected, unless you opt-in

As described immediately below, you may opt-out with respect to our providing you communications regarding upcoming promotions that may interest you. Espial will still use the information for the other purposes outlined in Sections 1 and 2 above, including without limitation sending you messages related to various Espial Elevate services.

You may change your initial privacy settings by accessing your account through the web portal where you would log into your account. You may choose to change your privacy preferences to allow us to collect Personally Identifiable Program Information. In all cases, however, we will collect and use your Account Information to enable us to provide your Device with the Services and to bill you for any Services. We will also collect and use Anonymous Program Information and Device Utilization Information for the purposes stated in this Privacy Policy.

4. **Security of Customer Information** When you contact us by email or phone regarding your account, for your security, we ask you for certain Account Information to verify your identity before accepting requests to make changes to the account. We take these steps to ensure that only you or a household member who knows your Account Information will be able to access or change your Subscriber Information.