

## **Swell Privacy Policy**

**Effective Date:** February 1, 2018

Your privacy is important to Swell Energy Inc. and its subsidiaries and affiliates (“Swell”). This Privacy Policy explains Swell’s policies and procedures regarding information we collect from or about our customers and their use of our website, products, and services (“Services”). This Privacy Policy also explains how you can contact us if you have any questions or concerns about our privacy practices. By providing information to us or by using our Services, you agree to the terms and conditions of this Privacy Policy.

### **Information We May Collect**

We collect information that you may provide including your name, address, phone number. We may collect your contact information through referrals, and may collect or receive other data about you from third parties such as data analytics business partners. We also collect other information including utility energy usage data (e.g. usage history and meter data), tariff information, and monthly expenditures.

When you visit our website or otherwise use our Services, we may use cookies and other similar technologies to help provide and improve our Services. Cookies are pieces of information stored directly on the computer that you are using. Cookies allow us to collect information such as browser type, time spent on the Services, pages visited, language preferences, and other web traffic data. Our service providers and we use the information for security purposes, to facilitate online navigation, to display information more effectively, to personalize your experience while using the Services, and to otherwise analyze user activity. Cookies further allow us to select which of our advertisements or offers are most likely to appeal to you and to display them to you. We and our service providers may also use cookies in online advertising to see how you interact with our advertisements, and may use cookies or other files to understand your use of other websites.

### **How We May Use Information We Collect**

We may use information we collect to communicate with you, to provide and improve our Services, and for other purposes. Examples of these other purposes include the following:

- For installation and maintenance purposes
- For sales and marketing purposes
- For general intelligence about energy usage patterns
- For our business purposes, such as: data analysis; audits; fraud monitoring and prevention; identifying usage trends; determining the effectiveness of our promotional campaigns; developing new product and service offerings; and operating and expanding our business activities

Swell may use or share information that does not personally identify you for any purpose, such as for operational or research purposes, for analysis, to improve or modify our products and services, and to better tailor our products and services to your needs.

## How We May Share Information We Collect

We may share information we collect with our service providers and business partners, with other third parties you authorize, with other third parties when we have a good-faith believe doing so is required by law, and in other circumstances. Examples of how we share information include the following:

**Service Providers.** We may share information with our third party service providers in connection with their provision of services such as website hosting, data analysis and storage, payment processing, order fulfillment and product installation, information technology and related infrastructure, customer service, product maintenance or related services, e-mail delivery, credit card processing, auditing, marketing, and other similar services. You authorize Swell and third parties that Swell works with to access your account information and utility data.

**Partners.** We may share information with our business partners including financing partners, installation providers, contractors, electricians, solar companies, and technical partners.

**Legal.** We may transfer and disclose information, including information that may or may not personally identify you, to third parties to comply with a legal obligation (including, but not limited to, subpoenas); when we believe in good faith that the law requires it; in response to a lawful request by governmental authorities conducting an investigation, including to comply with law enforcement requirements; to verify or enforce our policies and procedures; to respond to an emergency; to prevent or stop activity we may consider to be, or to pose a risk of being, illegal, unethical or legally actionable; or to protect the security of the Services, our rights, property, or safety, or the rights, property, or security of third parties, visitors to our Services, or the public, as determined by us in our sole discretion.

**Corporate Change.** We may share information with third parties in connection with any reorganization, merger, sale, joint venture, assignment, transfer, or other disposition of all or any portion of our business, assets, or stock (including in connection with any bankruptcy or similar proceedings).

## Cross Border Transfers

The Services are controlled and operated from the United States. Information from or about you or your use of our products or the Services may be stored and processed in any country where we have facilities or in which we engage service providers. Those countries may not have the same data protection laws as the country in which you initially provided that information. When we transfer information from or about you or your use of our products or the Services to other countries, we will protect it as described in this Privacy Policy. By using our products, the Services, or otherwise providing information to us, you consent to the transfer of information from or about you or your use of our products or the Services to countries outside of your country of residence, including the United States.

## **Security**

We seek to use reasonable organizational, technical, and administrative measures to protect information within our organization. Unfortunately, no data transmission or storage system or measures can be guaranteed to be 100% secure. If you have reason to believe that your interaction with us is no longer secure (for example, if you feel that the security of any account with us has been compromised), please immediately notify us of the problem by contacting us in accordance with the “Contact Us” section below. If there is a material breach of our security that affects your personal information, we may choose to notify you via email and your access to our Site or use of our Services indicates your consent to receive notification in this manner.

## **Minors**

The Services are not directed to persons under the age of eighteen (18), and we do not knowingly collect personally identifiable information from minors.

## **Links**

This Privacy Policy does not address, and we are not responsible for, the privacy, information, or other practices of third parties, including any third party operating any site or service to which the Services link. The inclusion of a link on the Services does not imply endorsement of the linked site or service by us or by our affiliates, nor does it imply an affiliation with the third party.

## **Do Not Track Disclosures**

Do Not Track (“DNT”) is a privacy preference that users can set in their web browsers. When a user turns on DNT, the browser sends a message to websites requesting that they do not track the user. There is no accepted standard on how to respond to DNT signals, and we do not respond to such signals. For information about DNT, visit [www.allaboutdnt.org](http://www.allaboutdnt.org).

## **Updates to this Policy**

We may change this Privacy Policy from time to time. Any changes to this Privacy Policy will become effective when we post the revised Privacy Policy on the Services. By using our products, the Services, or otherwise providing information to us following these changes, you accept the revised Privacy Policy.

## **Contact Us**

If you have questions or concerns about this Privacy Policy and/or our privacy practices, please contact us at [legal@swellenergy.com](mailto:legal@swellenergy.com) or at the physical address listed below.

Swell Energy Inc.  
Attention: Legal Department (Privacy)  
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Santa Monica, CA 90401