

## **Rise Broadband Networks, Inc. Privacy Policy and Customer California Privacy Rights**

Effective date: January, 2016

Rise Broadband knows Customers care about how their personally identifiable information (“Personal Information”) is used and shared, and Rise Broadband takes Customers’ privacy seriously. Please read the following to learn more about Rise Broadband’s Privacy Policy. **By using the Service (as defined in the Customer’s [Service Agreement](#)) or accessing Rise Broadband’s website in any manner, Customer acknowledges that Customer accepts the practices and policies outlined in this Privacy Policy, and Customer hereby consents that Rise Broadband will collect, use, store and share Customer’s Personal Information in the following ways.**

Remember that Customer’s use of the Service is at all times subject to Customer’s Service Agreement, which incorporates this Privacy Policy by reference. Customer’s use of Rise Broadband’s website is at all times subject to Rise Broadband’s [Website Terms of Use](#). Any capitalized terms not defined in this Privacy Policy will have the same meaning as defined in Customer’s Service Agreement and Website Terms of Use.

Rise Broadband 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 wireless network, and may be subject to interception by unauthorized third parties who seek to do you harm. While it is Rise Broadband’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, Rise Broadband cannot and does not make any guarantee that transmissions over the Internet are 100% secure or error-free.**

**Rise Broadband 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.**

Rise Broadband does not knowingly collect, solicit or use Personal Information from anyone under the age of 13. If Customer is under age 13, please do not attempt to register for the Services or send any Personal Information about yourself to Rise Broadband. If Rise Broadband learns that Rise Broadband has collected Personal Information from a child under age 13, Rise Broadband will delete that information as quickly as possible to the extent technically feasible. If Customer believes that its child under age 13 may have provided Rise Broadband Personal Information, please contact Rise Broadband at [privacy@risebroadband.com](mailto:privacy@risebroadband.com).

### **Your California Privacy Rights**

Under California Civil Code Sections 1798.83-1798.84, California residents are entitled to ask Rise Broadband for a notice identifying the categories of Personal Information which Rise Broadband shares with its Affiliates and/or other third parties for their marketing purposes, and providing contact information for such Affiliates and/or third parties unless Rise Broadband meets certain exceptions in the law. This Privacy Policy qualifies for the exception to those requirements. If Customer resides in California and Customer has an established business relationship with Rise Broadband, Customer may request information about Rise Broadband’s opt-out and out-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. **Rise Broadband will not accept requests via the telephone or facsimile.** Rise Broadband 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 [privacy@risebroadband.com](mailto:privacy@risebroadband.com).
- In a postal request, Customer must send a letter or post card to:

Rise Broadband  
619 14<sup>th</sup> St. SW  
Loveland, CO 80537  
Attention: Your California Privacy Rights

### **What types of information does this Privacy Policy cover?**

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

Generally, Rise Broadband gathers and uses Personal Information internally in connection with providing the Service to Customer, including to personalize, evaluate and improve the Service and Rise Broadband’s ability to provide the Service to Customer, to contact Customer, to respond to and fulfill Customer requests regarding the Service, and to analyze how Customer uses the Service.

Rise Broadband may share Your Personal Information with its Affiliates and with other third parties as described below:

### **What Information does Rise Broadband collect and how does Rise Broadband use this Information?**

#### ***Personal Information***

Personal Information is the information Customer provides to Rise Broadband voluntarily or passively through Customer use of the Service and/or website, and which is directly associated with or reasonably linked to a specific person, computer or device. For example, through the registration process, when the equipment to provide the Service is installed, maintained or upgraded at Customer’s premises, when Customer contacts Rise Broadband regarding the Service, and through Customer account settings, Rise Broadband collects and stores Personal Information such as Customer name, email address, phone number, 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. Customer may be required to provide certain Personal Information to Rise Broadband in order to register with Rise Broadband, to assist Rise Broadband in improving Customer’s Service or troubleshooting problems Customer is experiencing with the Service, Customer computer or device, or otherwise to improve the quality of the Service.

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

Rise Broadband may also combine Customer Personal Information with additional Personal Information obtained from Rise Broadband Facebook Pages or other social network platforms, its Affiliates, its Operational Service Providers (third party owned companies that provide or perform services on Rise Broadband’s behalf, to help serve Customer better and to perform functions in order to support Rise Broadband 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***

### **Website Information, Use of Cookies and other Similar Tracking Technology**

When you visit Rise Broadband's website, Rise Broadband will collect various types of Non-Personal Information, such as information on Rise Broadband 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. (IP Address and device identifiers are traditionally classified as Non-Personal Information, unless Rise Broadband is required to do so otherwise under applicable law.) Cookies" and "web beacons" are text file identifiers Rise Broadband transfers to Customer's browser or device that allow Rise Broadband to recognize Customer's browser or device and tell Rise Broadband how and when pages and features on the Rise Broadband 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 Rise Broadband 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 Rise Broadband is not responsible for their privacy policies and practices.

Rise Broadband also uses Personal Information and Non-Personal Information to enhance the Rise Broadband website and Rise Broadband Service offerings. For example, such information can tell Rise Broadband how often visitors use a particular feature of the Rise Broadband website and which products and services are most interesting to current and potential customers, and Rise Broadband can use that knowledge to make the website useful and interesting to as many users as possible and to enhance and refine Rise Broadband's Service offerings. Rise Broadband will continue to conduct analytics on Rise Broadband 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 Rise Broadband's Services' operation and function Rise Broadband may introduce new technologies and monitoring techniques without advance notice or consent from Customer. Rise Broadband may also use third party providers to conduct such internal analyses.

## ***Network Information***

Rise Broadband also collects and stores Network Information, information about Customer access to, and use of, the Rise Broadband network, which may or may not be directly associated with or reasonably linked to a specific person, computer or device. For example, Rise Broadband may collect and store 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 are transmitting and receiving, the websites Customer is visiting, and any other information that is transmitted over the Rise Broadband network. Rise Broadband may also aggregate Network Information from multiple subscribers and Rise Broadband will share such aggregated Non-Personal information about the overall performance of the Rise Broadband Service and network with our Affiliates and 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 and enhance the performance of the Rise Broadband network. Rise Broadband will not monitor the content of the websites viewed or email communications as part of Rise Broadband's standard network management. Generally, Rise Broadband 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 Rise Broadband's network.

However, Rise Broadband 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 an another Authorized User on Customer's account regarding Customer or their use of the Service or problems Customer or they are experiencing using the Service;
- If Rise Broadband 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 Rise Broadband has reason to believe Customer use of the Service is negatively affecting other Customers; or
- When Rise Broadband is required by law or legal process to do so, or when Rise Broadband a good faith belief that Rise Broadband is required by law or legal process to do so.

### **How is Personal Information used for marketing and advertising purposes?**

Rise Broadband will use Personal Information to send Customer marketing and advertising messages related to Rise Broadband's Service and website using Customer's email address, postal address, or telephone number (for voice, texts, and pre-recorded calls). Rise Broadband may deliver a marketing or advertising message based on Customer visits to Rise Broadband 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. Rise Broadband 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 Services (possibly combined with information from our Facebook fan page or other social network platforms). First Party Advertising is based solely on a combination of information Rise Broadband collects from Customer – not from Customer's visits to other websites across the Internet.

**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.**

Rise Broadband 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 Rise Broadband does not provide network ads, Rise Broadband does not recognize the "Do Not Track" settings on various Internet browsers. Rise Broadband 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 Rise Broadband 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 Rise Broadband and our Affiliates. The presence of a link does not constitute or imply Rise Broadband's endorsement, recommendation, or sponsorship of the content, goods, services, business or privacy practices on such websites or online services. Rise Broadband encourages Customers to be aware and informed when Customers leave Rise Broadband's website and Rise Broadband's Facebook Pages, or any other social networking platforms.

### **Will Rise Broadband share Customer Personal Information?**

Customer's Personal Information will only be disclosed to third parties (including Rise Broadband's Affiliates) as listed in this Privacy Policy, if Rise Broadband has received your prior consent. Rise Broadband 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 Rise Broadband Services or website.

Rise Broadband will not rent, sell or disclose Personal Information to anyone not related to Rise Broadband for marketing or promotional purposes, unless in connection with a potential or actual sale, merger or a corporate restructuring by or of Rise Broadband. (See "For Business Transfers" below for more information.) Rise Broadband will share Customer Personal Information with its Affiliates and with other third parties as described in this section for the following reasons:

- **To Our Affiliates.** Rise Broadband relies on various Affiliates in order to provide the Service to Customers. These are companies that are related to Rise Broadband by common ownership or control. Rise Broadband may share Personal Information and Non-Personal Information with any of its Affiliates for business, operational, promotional and/or marketing and advertising purposes.
- **To Operational Service Providers:** Rise Broadband and its Affiliates contract with other companies and people to perform tasks or services on Rise Broadband's behalf and need to share Customer Personal Information to provide products or services to Customers. For example, Rise Broadband may use a payment processing company to receive and process Customer's ACH or credit card transactions for Rise Broadband, or Rise Broadband may contract with third parties to assist Rise Broadband in optimizing Rise Broadband's network. Unless Rise Broadband tells Customer differently, Rise Broadband does not grant its Operational Service Providers any right to use the Personal Information Rise Broadband shares with them beyond what is necessary to assist Rise Broadband.
- **For Business Transfers/Restructuring:** Rise Broadband may choose to buy or sell assets, or Rise Broadband 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 Rise Broadband (or Rise Broadband's assets) are acquired, or Rise Broadband goes out of business, enter bankruptcy, or go through some other change of control, including restructuring, re-organization or financing arrangements, Personal Information could be one of the assets disclosed, transferred to or acquired by a third party.
- **For Protection of Rise Broadband, and Our Affiliates, Employees, Operational Service Providers, Users and Subscribers and Public Safety:** Rise Broadband reserves the right to access, read, preserve, and disclose any Personal Information Rise Broadband has access to if Rise Broadband believes doing so will implement and/or enforce the Service Agreement, Website Terms of Use Agreement, Privacy Policy or any legal document; protect our Network(s), website(s), and company assets; protect the interests, rights, property, and/or safety of Rise Broadband or Our Affiliates, employees and officers/directors, Operational Service Providers, Users and Subscribers, agents, third party licensors or suppliers, or the general public.
- **When Required by Law or in Response to Legal Process:** Rise Broadband reserves the right to access, read, preserve, and disclose any Personal Information to which Rise Broadband has access if Rise Broadband is required by law or legal process to do so, or if Rise Broadband has a good faith belief that Rise Broadband is required by law or legal process to do so.

### **Is Customer Personal Information secure?**

Rise Broadband endeavors to protect the privacy of Customer's account and other Personal Information Rise Broadband holds in its records using reasonable administrative, technical and physical security measures. However, Rise Broadband cannot and does 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 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 Rise Broadband Services via Customer's username and password.

Additionally, if Customer contacts Rise Broadband, Rise Broadband will ask Customer for verification of Customer's identification and account. **Rise Broadband 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 Rise Broadband or someone that claims they are with Rise Broadband or Our Affiliates please contact our Privacy Administrator immediately: [privacy@risebroadband.com](mailto:privacy@risebroadband.com)

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

### **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
- Account and billing information

By contacting Rise Broadband at [privacy@risebroadband.com](mailto:privacy@risebroadband.com), or through any online access portal Rise Broadband 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, Rise Broadband 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, Rise Broadband may maintain a copy of the unrevised information in Rise Broadband's records for internal security reasons and recordkeeping. Some information may remain in Rise Broadband's records after it is modified, amended or deleted by Customer or Rise Broadband. Rise Broadband 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. Rise Broadband may also maintain Personal Information regarding Customer and Customer's use of the Service after Customer is no longer a Rise Broadband customer as required by Rise Broadband'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 Rise Broadband has on file about Customer, please contact Rise Broadband at [privacy@risebroadband.com](mailto:privacy@risebroadband.com).

### **What third party disclosure choices do Customers have?**

Customer can always choose not to disclose Personal Information to Rise Broadband; however, certain Personal Information is necessary for Rise Broadband to provide the Service to Customer. Customer may opt out of sharing Personal Information with Our Affiliates only for marketing or advertising purposes, but not for business or operational purposes.

Customer may opt out of email marketing and advertising from Rise Broadband or its Affiliates using the “Unsubscribe” mechanism in each email. Before Rise Broadband sends Customer a text for any reason, or sends Customer a pre-recorded call that contains advertising or marketing information, Rise Broadband 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 calls do not require Customer’s prior express consent in writing, unless they are sent to a wireless device. Customer understands, acknowledges and agrees that such texts and pre-recorded telemarketing calls may be sent using an auto-dialer and are not conditioned on your purchase of the Service. Customer may opt out of receiving text messages any time by replying “STOP” or “UNSUBSCRIBE” to the text message. Customer may opt out of receiving pre-recorded calls by the opt-out instructions in the call. However, Customer will continue to receive calls related to debt-collection and Customer’s current Service. Customer 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 Rise Broadband’s use of cookies or other similar technology, or use of Customer’s Personal Information and Non-Personal Information for Rise Broadband’s internal analytics used to monitor activity on Rise Broadband’s website, measure Rise Broadband Service performance, or to operate and protect the Rise Broadband network.

#### **Will this Privacy Policy ever change?**

Yes, Rise Broadband is constantly working to improve the Service, so Rise Broadband will need to update this Privacy Policy from time to time as Rise Broadband’s business practices change and service offerings increase, and/or there are changes in local, state or federal laws. Additionally, Rise Broadband will also make stylistic, organizational and/or grammatical changes to present Rise Broadband privacy practices in a user-friendly easy-to-read manner. Rise Broadband will alert Customers to any such changes by placing a notice on <https://risebroadband.com> 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 Rise Broadband 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 Rise Broadband’s website. Customer’s continued use of the Service or 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 Rise Broadband website. If Rise Broadband elects to use or to disclose Personal Information that identifies Rise Broadband 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 Rise Broadband website, Rise Broadband 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 Rise Broadband’s privacy practices and policies, please contact Rise Broadband at [privacy@risebroadband.com](mailto:privacy@risebroadband.com).

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