

# PRIVACY POLICY

EFFECTIVE DATE: MARCH, 2018

evGateway has created this privacy policy to demonstrate its commitment to the privacy of its customers and users. This privacy policy applies to this mobile application, including the portion of the mobile application accessed by the evGateway customers and users (collectively, the “Mobile application”), and the evGateway services offered by evGateway, including through use of the GridKey Smart Cards (the “Service”). By using this Mobile application and the Service or by transmitting information to us by email or other electronic means, you agree to this privacy policy.

## 1. CHANGES TO PRIVACY POLICY

We may change and update this privacy policy from time to time, so you should check back to this page for the updated policy. For any significant changes affecting your personally identifiable information, we will post a more prominent notice to the Mobile application of the change. If you disagree with any change, you must stop using the Service. Otherwise, we will consider your continued use to be acceptance of the change.

## 2. INFORMATION COLLECTION AND USAGE

evGateway collects different kinds of information through the Mobile application and the Service, and uses this information in different ways.

Personally Identifiable Information. If you sign up for the Service, use the Service, or send email or other communication to evGateway, we may retain those communications in order to process your inquiries, respond to your requests and improve our Mobile application and Service. In registering for the Service, we need to get some information from you (like name, title, e-mail address, telephone number, credit card or other means of payment, etc.). When using the Service, you may be asked for additional information to help identify you. All of this information used to specifically identify you is called “User Information” in this privacy policy. We only collect User Information that you provide to us or have given us permission to collect.

When you use our Service, we collect certain demographic information (such as your evGateway charging station location and charging duration) in order to understand usage patterns and to improve your experience using our Service.

We use the User Information in order to process the application, to provide the Service to the customer and users and to otherwise communicate with you as a customer or user regarding the Service. Please keep in mind that we reserve the right to send you certain communications relating to your use of the Service, such as service announcements, notices about new features or information on the Service, administrative messages and communications regarding your account, without offering you the opportunity to opt out of receiving them.

We also may use the User Information to provide advertisements from evGateway or its partners to you, but you will have the opportunity to opt-out of these communications.

From time to time, we may also collect information via online surveys or polls. Participation in these surveys or polls is entirely voluntary and you may easily decline to participate.

Aggregated Information. evGateway may also analyze and compile information on patterns of usage of the Service. This information is collected in aggregate form, without identifying any user individually. We may use this information to improve the Service and provide this information to third parties for marketing purposes.

Cookies. Like most mobile applications, we also use cookies to provide users an efficient experience in using the Mobile application. A cookie is a small data file that certain Mobile applications write to your hard drive when you visit them. A cookie file can contain information such as a user ID that the site uses to track the pages you have visited, but the only personal information a cookie can contain is information you supply yourself. A cookie cannot read data off your hard disk or read cookie files created by other sites. Some parts of the Mobile application use cookies to track user traffic patterns. evGateway does this in order to determine the usefulness of the Mobile application information to our users and to see how effective our navigational structure is in helping users reach that information. evGateway does not correlate this information with data about individual users, nor does it share this information or sell it to any third party.

Children's Privacy. The Mobile application and the Service are intended for adult users, and evGateway does not knowingly collect personal information from anyone under 13 years of age.

### **3. INFORMATION SHARING**

We generally do not share with any third party User Information in a way that would personally identify you. However, we may do so in the following circumstances:

1. As part of a merger, acquisition or any form of sale of some or all of evGateway's assets or business,
2. To our service providers and other contractors for the purposes of providing Service to us (such contractors are prohibited from using User Information for any other purpose),
3. For bill collection;
4. To resolve customer disputes or inquiries;
5. In the unlikely event of insolvency, bankruptcy or receivership in which your personal information would be transferred as one of evGateway's business assets; and
6. Where we are legally obligated to disclose information to the government or third parties for the purposes of national security, law enforcement or other issues of public importance.

We may aggregate information and data about you and your use of the Mobile application and Service and provide such aggregated information and data to advertisers and for marketing or promotional purposes. In these circumstances, we do not disclose information that could be used to personally identify you.

Access by the Company, its distributors, or authorized third parties, or their respective employees and consultants to any personal information you provide is limited to only information necessary to provide the business service offered and to allow employees or consultants to perform their duties.

### **4. SECURITY MEASURES**

To help protect the privacy of the data you transmit through the Mobile application or Service, evGateway uses industry-standard, secure server software that encrypts the information you input before it is sent to us. In addition, evGateway uses standard industry practice to protect User Information against unauthorized access. However,

you should keep in mind that the Mobile application and Service are run on software, hardware and networks, any component of which may from time to time require maintenance or experience problems or breaches of security beyond our control and for which we are not responsible.

## **5. LINKS TO THIRD-PARTY MOBILE APPLICATIONS**

This Mobile application may contain links to third party sites. Access to any other Internet site linked to this Mobile application is at the user's own risk and evGateway is not responsible for the accuracy or reliability of any information, data, opinions, advice or statements made on these sites. evGateway provides these links merely as a convenience and the inclusion of such links does not imply an endorsement.

## **6. ACCESSING YOUR USER INFORMATION**

We will try to update your User Information as we become aware of changes. However, we will be able to serve you best if you update your User Information or notify us of any changes to (or errors in) your User Information. You can update your User Information through the Mobile application or if you are unable to access that information for any reason, you may submit a written request for changes to Customer Service at the contact information listed below. In order for us to serve you best, please provide your name, phone number, mailing address, and e-mail address when contacting us.

## **7. CONSENT TO PROCESSING**

You expressly consent to the transfer and processing of your data (including personally identifiable data) in the United States and in other countries.

## **8. GOVERNING LAW**

The Mobile application is controlled and operated by evGateway. By choosing to use our Mobile application, use our Service or otherwise provide information to evGateway, you agree that any dispute over privacy or the terms contained in this Privacy Policy will be governed by the laws of the State of California. If you are accessing our Mobile application or using our Service from any location with regulations or laws governing personal data collection, use or disclosure that differ from United States laws or regulations, please note that through your continued use of our Mobile applications or Services, which is governed by the laws of the State of California and the United States of America and this Privacy Policy, you are

transferring personal information to the United States of America and you consent to that transfer and to the collection and processing of such information in the United States. You also consent to the adjudication of any disputes arising in connection with our Mobile application or Service in the federal and state courts of Orange County in the State of California.

Waiver of Jury Trial. ALL PARTIES IRREVOCABLY WAIVE ANY AND ALL RIGHTS THEY MAY HAVE TO A TRIAL BY JURY IN ANY JUDICIAL PROCEEDING INVOLVING ANY CLAIM RELATING TO OR ARISING UNDER THIS AGREEMENT.

## **9. CONTACT US**

If you have any questions about this privacy policy, please feel free to email us at [support@evgateway.com](mailto:support@evgateway.com)