

Via Wireless Privacy Policy

Last Updated: September 2022

Introduction and Overview

This Privacy Policy (“Privacy Policy”) applies to you and anyone who uses Via Wireless’ (“we,” “us,” or “our”) Devices, Products, or Services (collectively, “Services”) under your account, except where we identify for you that separate privacy policies or terms and conditions apply. You are responsible for making sure all users under your account understand and agree to this Policy. You are responsible for making sure all users under your account understand and agree to this Policy.

Please take a moment to review the terms of our Privacy Policy, because by continuing to access or use our Services you accept and agree to be bound by all terms of the Privacy Policy. If you do not agree with any portion of it, then you must not access or use our Services.

This Privacy Policy is part of the terms and conditions of the use of our Services. You can find out more information regarding your rights and responsibilities in using the Services by reviewing our [Terms and Conditions link](#).

We may change this Privacy Policy from time to time, so check this policy regularly for updates.

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Types of Personal Information We Collect About You

Personal Information generally means information that identifies you or is reasonably capable of being associated with or linked, directly or indirectly, with you or your household. It does not include aggregate, de-identified, and/or anonymous information that is not reasonably capable of being associated with or linked, directly or indirectly, with you or your household.

Depending on how you interact with us or our Services, we may collect Personal Information from or about you, including, for example:

- **Identity and Contact Information**, such as your name, date of birth, mailing address, billing address, email addresses, and telephone numbers.
- **ACP Eligibility Information**, such as documentation of participation in an eligible government low-income or financial assistance program, documentation demonstrating proof of income, or your Social Security number, each of which will only be used to determine Affordable Connectivity Program (ACP) eligibility.
- **Billing and Payment Information**, such as credit card, debit card, checking account information, purchase and order history, and billing information related to your use of our voice and text services.
- **Correspondence Information**, including information you may provide to us when you communicate with us through our website, via email, over the phone, or through postal mail, such as questions, concerns, issues, or your intended or actual use of our Services, as well as records, including recordings, of your communications with us.
- **Usage Information**, such as information about your use of the Services, including the date and time of your use, frequency of use, and quantity of use, your interaction with our communications and advertisement, broadband usage, your activity on your Device, and Customer Proprietary Network Information (“CPNI”), as described in the CPNI section below.
- **Location Information**, such as the coarse or granular location of your device when it is connected to or using the Global Positioning System (“GPS”), our underlying carrier’s wireless network, Wi-Fi, Bluetooth, MAC addresses, or other device identifiers or location technology. We cover location information in detail in the CPNI section below.
- **Device and Computer Information**, including your internet protocol (“IP”) address, browser type, operating system, software version, and Device type, model, or identifier.
- **Information Stored on Devices**, including any content stored on your Device when you relinquish, exchange, return, or recycle your Device or provide it to us, our contractors, or our vendors for maintenance. You should remove or otherwise safeguard any Personal Information on your Device that you do not want accessed before giving your Device to us, our contractors, or our vendors. We are not responsible for any information on your Device.

Sources of Personal Information We Collect About You

We may obtain Personal Information about you in 3 ways:

- **Information You Provide Directly to Us.** You may give us Personal Information, such as Identity and Contact Information, ACP Eligibility Information, Billing and Payment Information, Correspondence Information, and Information Stored on Devices when you access or use our Services, including when you apply for, subscribe to, or purchase our Services; communicate with us using our contact information; or provide us with your Device.
- **Information We Collect Automatically from You.** We or our service providers or contractors may automatically or passively collect Personal Information, such as Usage Information, Location Information, and Device and Computer Information, when you use or interact with our Services, including through the use of network management technology and third-party analytics and advertising tools, which may use cookies, web beacons, pixel tags, log files, local shared objects (Flash cookies), HTML5 cookies, or other technologies to automatically or passively collect information about your use of and interaction with the Services.
- **Information We Collect from Other Sources.** We may collect any category of Personal Information from affiliates, business partners, or third parties (such as social media platforms, data aggregators, public databases, and other commercially available sources), which may include the information you provide those entities or that they automatically collect from you.

We may combine the various types of Personal Information we receive from or about you, including information you provide to us, information we automatically collect, and information from other sources, and use it as described in this Privacy Policy.

How We Use Personal Information We Collect About You

Except as otherwise prohibited by law or regulation, and subject to applicable instructions from you to us, we may use your Personal Information for a variety of business and commercial purposes, including for:

- **Verifying Eligibility and Subscribing You to Our Services.** To verify your identity and eligibility for the ACP and subscribe you to our Services, including to execute requests to port your phone number.
- **Providing, Improving, and Maintaining Our Services.** To provide, improve, and maintain our Services, including to: initiate and render our Services; maintain the accuracy of the information we collect; track, measure, and analyze the usage and operations of our Services; maintain, manage, optimize, and resolve problems with our wireless networks, information technology, and our Services; develop and improve our business, content, products, and Services; and interact with third-party services, at your request.

- **Customer Service.** To respond to questions and comments about your account and Services, to communicate with you about your account status and technical issues, and for training or quality assurance purposes.
- **Billing and Payments.** To complete your purchases, including billing and payment processing, which may involve the use of cookies.
- **Prevention and Detection of Unlawful and Unauthorized Use.** To prevent and detect fraud, abuse, and other unlawful and unauthorized use of our Services, including to investigate possible violations of and enforce our Terms and Conditions and any other contracts, and to otherwise protect the security or integrity of the Services, our business and property, and our rights and interests, and those of you, our other customers, our service providers or contractors, and other businesses.
- **Complying with Legal and Regulatory Obligations.** To comply with our legal and regulatory obligations, including responding to legal process, such as subpoenas, court orders, and search warrants.
- **Emergency Situations.** To respond to 911 requests and for other emergencies or exigencies in cases involving danger of death or serious physical injury to you or any other person.
- **Marketing and Advertising.** To serve you promotional offers, content, advertisements, and other marketing about our Services, or those of our affiliates, partners, and third parties, through our website, applications, social media, direct mail, email, or manual, autodialed, or prerecorded calls and texts, each with your consent, where necessary, including by: personalizing marketing and advertising to your interests (“interest-based advertising”); measuring, analyzing, and optimizing the effectiveness of our marketing and advertising; and using your comments and communications with us about our Services as customer testimonials (with only your first name and your last name initial) or for other purposes that benefit us.
- **Contests, Surveys, and Message Boards.** To administer and enable you to participate in contests, surveys, polls, and message boards.

We may use your Personal Information as otherwise disclosed and explained to you at the point of collection and with your consent, where necessary.

How We Share or Allow Access to Your Personal Information

Except as otherwise prohibited by law or regulation, and subject to applicable instructions from you to us, we may share or allow access to your Personal Information for a variety of business and commercial purposes, including, for example:

- **Sharing Across Affiliates.** With our parent, subsidiary, and affiliate companies for business, operational, and legal purposes.
- **Provide, Improve, and Maintain Our Services.** With service providers or contractors that provide business, professional, or technical support functions for us and help us provide, improve, and maintain our Services, such as by administering activities on our

behalf, including network operations, website hosting, database management, information technology, billing and payment processing, customer service, analysis of our Services, and the sale and delivery of our Services. We do not authorize service providers or contractors to use or disclose the Personal Information they collect, except as necessary to perform services on our behalf, and require them to protect the confidentiality and security of the Personal Information they receive consistent with this Privacy Policy.

- **Protect Our Services and Users.** With governmental authorities or other entities if we believe disclosure is necessary or appropriate to: protect against fraudulent, malicious, abusive, unauthorized, or unlawful use of our Services; protect our network, databases, Services, Devices, users, and employees from physical or financial harm; and investigate violations of our Terms and Conditions or other contracts.
- **Legal Rights and Obligations.** With governmental authorities, auditors and third-party identity verification services, credit bureaus or collection agencies, and other entities to the extent necessary to: respond to subpoenas, court orders, search warrants, or other legal process; respond to requests for cooperation from law enforcement or other government entities, including pursuant to the Communications Assistance for Law Enforcement Act (CALEA), which may require that monitor or facilitate monitoring and otherwise disclose the nature and content of communications transmitted through the Services or Devices without any further notice or liability; comply with legal and regulatory obligations, including identity verification, fraud and identify theft protection, and protection, advancement, or defense of our rights or the rights of others; recover payment for previously-billed Services; and facilitate or verify the appropriate calculation of taxes, fees, or other obligations due to local, state, or federal governments and governmental agencies.
- **Sale or Transfer of Business or Assets.** With our professional advisers in connection with a corporate transaction, such as a sale, assignment, divestiture, merger, bankruptcy, consolidation, reorganization, liquidation, or other transfer of the business or its assets. If another entity acquires Infiniti Mobile or any of our assets, your Personal Information may be transferred to such entity. In addition, if any bankruptcy or reorganization proceeding is brought by or against us, such information may be considered an asset of ours and may be sold or transferred to third parties. Should such sale or transfer occur, we will use reasonable efforts to try to require that the buyer or transferee use your Personal Information in a manner that is consistent with this Privacy Policy.
- **Emergencies.** With governmental authorities or other entities or individuals in emergency situations involving danger of death or serious physical injury to you or any other person, to respond to 911 requests, and for other emergencies or exigencies.
- **Commercial Marketing Purposes.** With our affiliates, service providers, contractors, or marketing partners for our marketing and advertising purposes, including when we use our marketing partner's analytic and advertising tools, such as cookies, web beacons, pixel tags, log files, local shared objects (Flash cookies), HTML5 cookies, or other technologies that automatically or passively collect Personal Information from your use of our Services.

- **Geolocation.** We do not share your geolocation data, as defined in the CPNI section below, for any purpose. Our underlying carrier may use and collect geolocation data as needed to support the services we provide to you.

We do not and will not sell or knowingly allow third parties unauthorized access to your Personal Information.

How You Might Share Your Personal Information with Third Parties

When using our Services, you may choose to install, access, or use services offered by third parties, such as websites, applications, and the networks of other carriers (such as when you are roaming). In some cases, our Services may have links to websites operated by third parties, plugins for social media services, or third-party advertisements.

When you interact with third-party services, you may be consenting to those third parties accessing, collecting, using, or disclosing your Personal Information through our Services or directing us to share or allow access to your Personal Information by those third parties, such as your IP address, browsing activity, or location information. Those services operate independently of our Services, and your Personal Information will be governed by their terms and conditions, including their privacy policies, not this Privacy Policy. We encourage you to review the privacy policies of any third-party services that you use to better understand their privacy practices. You may be able to restrict or disable the use and disclosure of certain information, such as your location information, using settings available on your Device or through the third-party services.

Your Rights and Our Obligations Related to Your Customer Proprietary Network Information

Customer Proprietary Network Information (CPNI) is information made available to us solely by virtue of our relationship with you that relates to the type, quantity, destination, technical configuration, geolocation data, and amount of use of the telecommunications services you purchase from us, as well as information related to the billing for those services.

“Geolocation data” is any information (coarse or granular) about your device’s geographic location at any point in time, including information derived from cell site location data, GPS, Wi-Fi, Bluetooth, MAC addresses, or other device identifiers. Granular geolocation (also known as precise geolocation) is generally defined as data used or intended to locate device users within an 1850-foot radius. Coarse geolocation is generally defined as data used or intended to locate device users in an area greater than an 1850-foot radius.

CPNI does not include listed subscriber list information such as name, postal address, or telephone number. Under federal law, you have the right, and we have the duty, to protect the confidentiality of your CPNI. When we share your CPNI with our service providers or

contractors, we require them to take reasonable measures to protect the confidentiality of that information.

We are permitted to use or disclose your CPNI for certain purposes without further notice or consent from you, including: to provide you with our Services; to market service offerings to you related to the services you purchase; to protect us, you, other subscribers, and other carriers from fraud, abuse, or unlawful use of the Services; and in an aggregate form. We also may use your CPNI, or share it with affiliates and third-party agents, for the purpose of offering you communications-related products and services, packages, discounts, and promotions that may be different from the types of services you have already purchased.

You have the right to opt-out of use of your CPNI for marketing purposes and can submit an opt-out request by contacting us at 1-877-346-1501 or rguerra@sparkenergy.com. Opting out will not affect our provision of Services to you or our use of your CPNI for permitted purposes. If you chose to opt-out, your choice is valid until you choose to opt-in. You may also contact us to correct your CPNI or request that we disclose your CPNI to you.

We will not disclose your CPNI except when provided with your password, and we may implement other authentication measures. If you do not provide a password, we may not release your CPNI to you except by sending it to your address of record or by calling you at your telephone number of record. Be sure to use a strong password with our Services and not one you use for other services. We may disclose your CPNI to any “authorized user” that you have designated to us in writing or to any person who is able to provide us with your password.

How Long We Keep Your Personal Information

We will keep your Personal Information only as long as necessary to provide your Services, or as otherwise required by federal or state law, subpoena, or court order. For example, FCC regulations require us to keep Affordable Connectivity Program records for as long as an ACP participant receives an ACP discount but no less than 6 years.

Via Wireless does not retain any geolocation data.

Your Advertising Choices and Consent Options

Google Analytics and Google AdWords. We use Google Analytics on our Sites to help us analyze traffic and improve services. For more information on Google Analytics’ processing of Personal Information, please see <http://www.google.com/policies/privacy/partners/>. You may opt out of the use of Google Analytics here: <https://tools.google.com/dlpage/gaoptout>.

Our Sites also use the Google AdWords remarketing service to advertise on third party websites (including Google) to previous visitors to our site. This could be in the form of an advertisement on the Google search results page or a site in the Google Display Network. Third-party vendors,

including Google, use cookies to serve ads based on someone’s past visits to our Sites. Any data we collect will be used in accordance with this Privacy Policy, and Google is responsible to abide by its own privacy policy. You can set your preferences for how Google advertises to you using the Google Ad Preferences page: <https://adssettings.google.com>.

You have certain choices and consent options related to the use and disclosure of your Personal Information for advertising purposes. Exercising these choices and options will not affect our provision of Services to you. Please note that these choices and options may not prevent you from receiving all advertising; you may continue to receive generic advertising from us or interest-based advertising from third parties, depending on how they operate.

Interest-Based Advertising. You have choices and options concerning interest-based advertising on our Services or across other websites and online services as follows:

- To opt out of collection and use of your Personal Information for interest-based advertising by companies participating in the Digital Advertising Alliance (“DAA”), please visit optout.aboutads.info or click on the DAA icon when you see it on an online ad.
- To opt out from the use of Personal Information about your online activities for interest-based advertising by Network Advertising Initiative (“NAI”) member companies, please visit optout.networkadvertising.org.
- To opt-out of the use of your mobile device ID for targeted advertising, please visit www.aboutads.info/appchoices.
- To prevent your Personal Information from being used by Google Analytics to measure and improve marketing and advertising and understand the use of our Services, including through Google AdWords, Google Display Network Impression Reporting, DoubleClick Platform Integrations, and Google Analytics Demographics and Interest Reporting, add the Google Analytics opt-out plugin to your browser, available at tools.google.com/dlpage/gaoptout.
- To manage flash cookies, visit Adobe’s Global Privacy Settings Panel.
- You may be able to adjust your browser, computer, or device settings to disable cookies, remove or prevent the storage of HTML5, or control other advertising and analytics technology to stop or reduce the amount of interest-based advertising you receive, but doing so may prevent you from using certain features of our Services.

Marketing Communications. You have the option to opt-out from being contacted with marketing communications, including manual, autodialed, and prerecorded calls and texts, emails, and direct mail, as follows:

- Call us at 1-877-346-1501
- Unsubscribe from our email communications following the unsubscribe instructions contained within our emails.
- Reply “STOP” to our text messages.

Your instructions to opt-out from these communications will be processed as soon as reasonably practicable. Please note that exercising a marketing opt-out will not affect Via Wireless' right to contact you about the services to which you subscribe, including notifications regarding compliance obligations related to those services (e.g., non-usage, de-enrollment, and collection notices).

Do Not Track. Because Do Not Track ("DNT") and similar signals do not yet operate according to common, industry-accepted standards, our Services may not respond to DNT signals.

How We Store, Retain, and Protect Personal Information We Collect About You

We maintain reasonable physical, technical, and procedural safeguards to help protect against loss, misuse, or unauthorized access, disclosure, alteration, or destruction of your Personal Information. We encrypt sensitive information (such as financial payment information) and transmissions involving customer accounts. We only retain your Personal Information for as long as reasonably necessary to fulfill the purposes for which we collected it, including for any legal, accounting, or reporting purposes, as well as to resolve disputes and enforce our agreements.

The Personal Information we collect from or about you is stored on servers which we take commercially reasonable efforts to secure in the United States, subject to the laws of the United States. Electronic access to the databases and physical access to the servers on which this Personal Information is stored are restricted to those employees, agents, contractors, service providers, and other third parties who have a business need for such access. They will only access and use your Personal Information based on our instructions and they are required to keep your Personal Information confidential. While we take reasonable steps to help ensure the integrity and security of our network and servers, we cannot guarantee their security, nor can we guarantee that your communications and information will not be intercepted while being transmitted over our underlying carrier's network or the Internet.

Governing Law and Notice to Non-U.S. Users

Our Services are solely intended for individuals located within the United States ("U.S.") and its territories and are subject to U.S. law. If you are located outside of the United States and its territories, please do not use the Services. By utilizing the Services, you consent to the transfer of your data to the United States and its maintenance in the United States.

We may transfer the Personal Information we collect about you to countries other than the country in which the information was originally collected. Those countries may not have the same data protection laws as the country in which you initially provided the information. When we transfer your information to other countries, we will protect that information as described in this Privacy Policy.

Information from Children

Our Services are not directed toward children, and we do not knowingly collect Personal Information from children under the age of 13. If you are a minor, please do not provide us any Personal Information or use or access the Services without receiving your parent’s or guardian’s permission. If we learn that we have collected any Personal Information from a child under the age of 13, we will take steps to delete the information as soon as possible. If you believe that we might have any Personal Information from a child under 13, or if you are a parent or guardian of a child under 13 that has provided us with Personal Information without your consent, please contact us at 1-877-346-1501 or rguerra@sparkenergy.com to request deletion of the child’s information.

Changes to this Privacy Policy

We reserve the right to modify this Privacy Policy at any time. When we do, we will post the changes on this page. We will give you advance notice of any materially adverse changes and may give you advanced notice of all other changes but reserve the right to make such modifications immediately if required. It is your responsibility to regularly check this page to determine if there have been changes to the Privacy Policy and to review such changes.

The most current version of this Privacy Policy can be viewed by visiting our website and clicking on “Privacy Policy” located at the bottom of the pages. Any changes will take effect immediately. The effective date of this Privacy Policy is stated below. Continued access or use of our Services following the effective date of any changes shall indicate your acceptance of such changes. If you do not agree to the modified provisions of this Privacy Policy, you must discontinue your access and use of the Services.

NOTICE TO CALIFORNIA RESIDENTS—YOUR CALIFORNIA PRIVACY RIGHTS

This section is applicable to residents of California. If you are a resident of California, you have certain rights described below. The following do not apply to individuals who do not live in California on a permanent basis.

California Civil Code Section 1798.83

Under California’s “Shine the Light” law, California residents have the right to request in writing from businesses with whom they have an established business relationship: (a) a list of the categories of Personal Information, such as name, e-mail, mailing address, and type of services provided to the customer, that a business has disclosed to third parties (including affiliates that are separate legal entities) during the immediately preceding calendar year for the third parties’ direct marketing purposes; and (b) the names and addresses of all such third parties.

To request this information, please contact us 1-877-346-1501 or rguerra@sparkenergy.com.

California Consumer Protection Act

This section provides additional information for California residents under the California Consumer Privacy Act (“CCPA”) and any effective amendments thereto. The terms used in this section have the same meaning as those used in CCPA. This section does not apply to information that is not considered “Personal Information” under CCPA such as anonymous, deidentified, aggregated, or public information.

A. Collection and Disclosure of Personal Information

Personal Information Disclosures. For purposes of compliance with the CCPA, in addition to other details described in this Privacy Policy, we make the following disclosures:

- We collect the following categories of Personal Information: *identifiers, financial information associated with you, characteristics of protected classifications under California or federal law, commercial information, internet or other electronic network activity information, geolocation data, audio and visual information, professional or employment-related information, and inferences drawn from the other information to create a profile about consumers.* The Personal Information we collect is described above in Types of Personal Information We Collect About You and Sources of Personal Information We Collect About You.

We disclose the following categories of Personal Information for a business purpose: *identifiers, financial information associated with you, characteristics of protected classifications under California or federal law, commercial information, internet or other electronic network activity information, geolocation data, audio and visual information, professional or employment-related information.* The Personal Information we disclose for a business purpose is described above in How We Use Personal Information We Collect About You and How We Share or Allow Access to Your Personal Information.

B. Retention of Personal Information

We only retain your Personal Information for as long as reasonably necessary to fulfill the purposes for which we collected it, including for any legal, accounting, or reporting purposes, as well as to resolve disputes and enforce our agreements.

C. Purpose of Collection

As explained above in How We Use Personal Information We Collect About You and How We Share or Allow Access to Your Personal Information, we collect your Personal Information for the following business or other notified purposes:

- Auditing relating to a current interaction with you, including but not limited to counting ad impressions, verifying positioning and quality of ad impressions, and compliance.

- Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity.
- Debugging to identify and repair errors that impair existing intended functionality.
- Performing services on behalf of ourselves or a service provider or contractor, such as maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, providing advertising or marketing services, providing analytic services, or providing similar services.
- Undertaking internal research for technological development and demonstration.
- Undertaking activities to verify or maintain the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by us, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by us.

D. Sale of Personal Information

We do not sell Personal Information as that term is defined under CCPA. If we ever decide to sell Personal Information, we will provide you with notice and a right to opt out of such sale.

E. Right to Know

You have the right to request the following about the Personal Information we have collected about you in the past 12 months:

- The categories of Personal Information we collected about you;
- The categories of sources from which the Personal Information was collected;
- The business or commercial purpose for collecting the Personal Information;
- The categories of third parties to whom we shared the Personal Information;
- The categories of Personal Information we disclosed for a business purpose; and
- The specific pieces of Personal Information we collected about you.

To submit a request under your Right to Know, contact us using the information provided below in Exercising Your CCPA Rights. Please note, under California Law, that we are only required to respond to such requests from you twice in a twelve-month period.

F. Right to Correct Inaccurate Information

Beginning on January 1, 2023, you will have the right to correct inaccuracies in your Personal Information that we have collected, taking into account the nature of the Personal Information and the purposes of processing the Personal Information.

To submit a request under your Right to Correct, contact us using the information provided below in Exercising Your CCPA Rights.

G. Right to Delete

You have the right to request the deletion of your Personal Information collected or maintained by us.

To submit a request under your Right to Delete, contact us using the information provided below in Exercising Your CCPA Rights.

H. Exercising Your CCPA Rights

To make a request described above, you may contact us at:

Email:	rguerra@sparkenergy.com
Phone w/ Hours:	1-877-346-1501 Mon-Fri 8am-5pm CST
Mail:	Via Wireless Attn: Rocio Guerra / Julio Astorga 12140 Wickchester Ln, Suite 100 Houston, TX 77079

I. Verification and Response Process

a. General Process

If you submit a request to access, correct, or delete Personal Information, we will need to verify your identity and confirm your request before processing it. When you make such a request, you can expect the following:

- We will verify your identity. You will need to provide us with your email address and full name. We may ask for additional information if needed.
- We will confirm that you want your information accessed, corrected, and/or deleted.

- We will confirm our receipt of your request within 10 days. If you have not received a response within a few days after that, please let us know by contacting us at the phone number or email address listed above.
- We will respond to your request within 45 days. If we need additional time to respond, we will notify you within the original 45 days, and provide a final response within 45 days thereafter. If we need an extension, we will explain why.

b. Denials

In certain cases, a request to access, correct, or delete may be denied. For example, if we cannot verify your identity, the law requires that we maintain the information, or if we need the information for internal purposes such as providing Services or completing an order.

We may also deny a request for deletion if it is necessary for us or a service provider or contractor 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, or otherwise perform a contract between us.
- 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.
- Exercise free speech, ensure the right of another customer to exercise their right of free speech, or exercise another right provided for by law.
- Comply with the California Electronic Communications Privacy Act.
- Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the deletion of the information is likely to render impossible or seriously impair the achievement of such research, if you have provided informed consent.
- Enable solely internal uses that are reasonably aligned with your expectations based on our relationship.
- Comply with a legal obligation.
- Otherwise use your Personal Information, internally, in a lawful manner that is compatible with the context in which you provided the information.

If we deny any of your requests, we will explain why we denied it. If there is a portion of your request that we can comply with, for example deleting some of the requested information, then we will do so.

J. Right to Non-Discrimination

You have a right not to receive discriminatory treatment by us for exercising any of your privacy rights conferred by the CCPA. We will not discriminate against any California consumer because such person exercised any of the consumer's rights under CCPA, including, but not limited to:

- Denying goods or services.
- Charging different prices or rates for goods and services, including through the use of discounts or other benefits or imposing penalties.
- Providing a different level or quality of goods or services.
- Suggesting that you will receive a different price or rate for goods or services or a different level or quality of goods or services.

We may, however, charge a different price or rate, or provide a different level or quality of goods or services, if that difference is related to the value provided by your data.

K. Authorized Agent

You may designate an authorized agent to make a request under the CCPA on your behalf, using the contact information above. Such requests will still undergo a verification process, and we will deny requests from agents who do not submit proof of authorization from you. To verify that an authorized agent has authority to act for you, we may require a copy of a power of attorney or require that you provide the authorized agent with written permission and verify your own identity with us.

YOUR NEVADA PRIVACY RIGHTS

We comply with the requirements of the Nevada Privacy law, which in some instances provides residents with choices regarding how we share information. Nevada Covered Personal Information ("Nevada PI") includes personally identifiable information about a Nevada consumer collected online, such as an identifier that allows the specific individual to be contacted. Nevada PI also includes any other information about a Nevada consumer collected online that can be combined with an identifier to identify the specific individual. We may collect the following categories of covered information about you through our Services:

- First and Last Name

- Physical Address
- Email Address
- Telephone Number
- Username

We may share such covered information with categories of third parties including marketing. Third parties may collect covered information about your online activities over time and across different Internet websites or online services when you use our Services.

You have the right to request that we not sell your Personal Information. Although we do not currently sell Personal Information, you may submit a request directing us to not sell Personal Information if our practices change in the future. To exercise this right, you may contact us at:

Email: rguerra@sparkenergy.com
Phone w/ Hours: 1-877-346-1501 Mon-Fri 8am-5pm CST
Mail: Via Wireless
 Attn: Rocio Guerra / Julio Astorga
 12140 Wickchester Ln, Suite 100
 Houston, TX 77079

VIRGINIA RESIDENTS’ PRIVACY RIGHTS

Beginning on January 1, 2023, Virginia residents will have certain rights described below. The following provisions do not apply to individuals who do not live in Virginia on a permanent basis, individuals we do not collect personal data about, or individuals for whom all of the information we collect is exempt from the Virginia Consumer Data Protection Act statute. “Personal Information,” for purposes of this section regarding the rights of Virginia residents does not include de-identified information or publicly available information.

A. Right to Know, Correct, and Delete Under the Virginia Consumer Data Protection Act

The categories of Personal Information processed, the purposes of processing, the categories of Personal Information shared, and the categories of third parties to which Personal Information is shared are provided in the above sections of this Policy.

Virginia provides residents with specific rights regarding Personal Information, including:

- To confirm whether or not we are processing your Personal Information and to access such Personal Information.
- To correct inaccuracies in your Personal Information that we have collected, taking into account the nature of the Personal Information and the purposes of processing the Personal Information.

- To request deletion of Personal Information that we have collected, subject to legal exemptions.
- To obtain a copy of your Personal Information.

To exercise these rights, you may contact us at:

Email: rguerra@sparkenergy.com
Phone w/ Hours: 1-877-346-1501 Mon-Fri 8am-5pm CST
Mail: Via Wireless
Attn: Rocio Guerra / Julio Astorga
12140 Wickchester Ln, Suite 100
Houston, TX 77079

B. Right to Opt Out

Virginia residents also have the right to opt out of the processing of Personal Information for purposes of targeted advertising, the sale of Personal Information, or profiling in furtherance of decisions that produce legal or similarly significant effects.

Because we do not use Personal Information for these purposes, no opt out is required.

C. Right to Non-Discrimination

You have the right not to receive discriminatory treatment by us for exercising any of your privacy rights. We will not discriminate against you for exercising any of your rights under this section, including, but not limited to:

- Denying goods or services.
- Charging different prices or rates for goods and services.
- Providing a different level or quality of goods or services.

We may, however, charge a different price or rate, or provide a different level or quality of goods or services, if that difference is related to the value provided by your data and/or your voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program.

D. Verification and Response Process

If you submit a request to access, correct, or delete Personal Information, we will need to verify your identity and confirm your request before processing it. When you make such a request, you can expect the following:

- We will verify your identity. You will need to provide us with your email address and full name. We may ask for additional information if needed.
- We will confirm that you want your information accessed, corrected, and/or deleted.
- We will confirm our receipt of your request within 10 days. If you have not received a response within a few days after that, please let us know by contacting us at the email or phone number listed above.
- We will respond to your request within 45 days. If we need additional time to respond, we will notify you within the original 45 days, and provide a final response within 45 days thereafter. If we need an extension, we will explain why.
- In certain cases, a request for access, correction, or deletion may be denied. For example, if we cannot verify your identity, the law requires that we maintain the information, or if we need the information for internal purposes such as providing Services or completing an order. If we deny your request, we will explain why we denied it. If there is a portion of your request that we can comply with, for example deleting some of the requested information, then we will do so.

E. Consumer Request Appeal Process

If we deny your request to access, correct, or delete Personal Information, you have the right to appeal that decision using the following process:

- Contact us in the same manner you submitted your original request with the subject line: “Appeal—Virginia Privacy Request.”
- Within 60 days of receipt of your appeal, we will respond and inform you in writing of any action taken or not taken, including a written explanation of the reasons for our decision.
- If we deny your appeal, you may contact the Virginia Attorney General to submit a complaint here: <https://www.oag.state.va.us/consumer-protection/index.php/file-a-complaint>

PRIVACY POLICY UPDATES

This Privacy Policy is subject to occasional revision, and we may, with or without prior notice to you, change its terms in our sole discretion. If we make any material changes in the way we

collect, use, or disclose your Personal Information, we may post a notice on the Sites and within the Apps or send you an email to the email address associated with your account. The most current version of this Privacy Policy can be viewed by visiting our website and clicking on “Privacy Policy” located at the bottom of the pages. The most current version of the Privacy Policy will take effect immediately and supersede all previous versions. The effective date of this Privacy Policy is stated below. Continued access or use of our Services following the effective date of any changes shall indicate your acceptance of such changes. If you do not agree to the modified provisions of this Privacy Policy, you should discontinue your access and use of the Services.

Our Contact Information

If you have any questions or concerns about this Privacy Policy or how we treat your Personal Information, please contact us using the following information:

Email:	rguerra@sparkenergy.com
Phone w/ Hours:	1-877-346-1501 Mon-Fri 8am-5pm CST
Mail:	Via Wireless Attn: Rocio Guerra / Julio Astorga 12140 Wickchester Ln, Suite 100 Houston, TX 77079

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