

## PierPASS TMF Account Registration Privacy Policy

May 20, 2022

Thank you for using PierPASS. We are committed to protecting your privacy and, for that reason, we have adopted this Privacy Policy to explain our data collection, use, and disclosure practices for the PierPASS services (including its website, and mobile and web-based applications, and any other tools, products, or services provided by PierPASS that link to or reference this Privacy Policy) (collectively, the “Services”). The Services are owned and operated by PierPASS, Inc., a California corporation (“we”, “us” or “our”). PierPASS respects the privacy concerns of visitors to the Services. We are proud of our information practices, and we want you to know the steps we take to protect the information you may provide to us. This Privacy Policy applies only to the information we collect on the Services.

This Privacy Policy applies to information PierPASS collects through the Services, as well as other information provided to us online or offline by third parties, when we associate that information with customers or users of the Services; however, it does not apply to information collected from our employees, contractors, or vendors. It also does not apply to information that you ask us to share with third parties or is collected by Online Tool Providers (as further described below). You acknowledge and agree that PierPASS is not responsible for the data collection or use practices of any other user of the Services or a third party utilized in providing the Services.

This Privacy Policy describes, among other things:

- Personal and other information we collect about you;
- How we use your information;
- How we may share your information with third parties; and
- Your choices regarding the personal information we collect about you.

### **1. Consent**

By accessing or using the Services, you consent to this Privacy Policy. If you do not agree with this Privacy Policy, please do not access or use the Services. Information gathered through the Services may be transferred, used, and stored in the United States or in other countries where our service providers or we are located. If you use the Services, you agree to the transfer, use, and storage of your Personal Information (as defined below) in those countries. The data protection and other laws of the United States and other countries might not be as comprehensive as those in your country. You agree that all transactions relating to the Services or PierPASS are deemed to occur in the United States, where our servers are located.

### **2. Collection of Your Personal and Other Information**

When you register for, or use our Services, we collect Personal Information and store this information for our records. For example, if you choose to complete and submit the registration form, we will receive information that is listed below. By “Personal Information” we mean information that can identify or reasonably be linked to an individual, such as:

- First and last name;
- Company name;
- Personal or business addresses;
- Personal or business email addresses;
- Personal or business phone numbers;

- Tokenized payment card information and receipts from our online payment processor; and
- Information contained in any image, photograph or profile you submit to us.

Please note that we do not store your credit card information. When you submit your credit card information for payment purposes, it is immediately tokenized and sent to our third party payment service provider. We store only your tokenized payment card information, receipt history, and the corresponding container numbers.

You acknowledge and agree that, in order to provide customer support related to the Services, PierPASS and its service providers may access and make changes to your Personal Information as stored within the Services, all to the extent necessary to provide such customer support.

You may choose not to provide Personal Information or prevent the Services from accessing certain features of your mobile device, (subject to the controls offered by your mobile device's operating system), but this may prevent you from receiving certain features of the Services.

We also collect non-Personal Information relating to the Services, that is, information that does not personally identify an individual ("Non-Personal Information"). The Non-Personal Information we collect includes how you interact with the Services, information generally collected or "logged" by Internet websites or Internet services when accessed or used by users, and information about your web browser or device accessing or using the Services.

Examples of the Non-Personal Information we collect are:

- The pages of our website that you viewed during a visit;
- The name of the domain and host from which you access the Internet;
- The type of operating system you use (e.g., Windows);
- The type of Internet browser you use (e.g., Safari, Chrome);
- The IP address of your computer;
- The date and time you access the Services;
- What information, content or advertisements you view or interact with using the Services;
- Language preferences;
- The city and state in which you are located (but not your precise geographic location); and
- Unique identifiers that are not connected and cannot reasonably be connected to your identity.

If you submit Personal Information as indicated above, we will link such information to the Non-Personal Information we automatically collect to try to improve your experience on our Services. We will not use Non-Personal Information to try to identify you, and if we associate any Non-Personal Information with information that personally identifies you, then we will treat it as Personal Information. We use Non-Personal Information to analyze trends, administer our Services, and gather broad demographic information for aggregate use. As discussed in more detail below, we sometimes use cookies and other automatic information gathering technologies to gather Non-Personal Information.

Information collected by the Services may be collected by us or one of our Service Providers or Online Tool Providers.

### **3. Use of Your Information**

We may use the information we collect to:

- Assist us in providing, maintaining, and protecting the Services;
- Set up, maintain, and protect accounts to use the Services;
- Improve our online operations;
- Process transactions;
- Provide customer service, which may include accessing and reviewing your account, including claims lists, and payment transaction histories;
- Communicate with you, such as provide you with account- or transaction-related communications, or other newsletters, RSS feeds, and/or other communications relating to the Services and changes to the Services;
- Send notices to you regarding the Services;
- Send customer satisfaction surveys;
- Perform research and analysis aimed at improving our products and services and developing new products or services; and
- Manage and maintain the systems that provide the Services.

If we change the manner we use or retain such Personal Information that you provide to us, we will update this Privacy Policy.

### **4. Disclosure of Your Information**

We may disclose Personal Information to provide the Services, or when you authorize or instruct us to do so, for example when you use the Services to submit content or profile information. We may also disclose Personal Information and Non-Personal Information to Service Providers as necessary to perform the Services, and where the disclosure is necessary to enable our Service Providers to perform business, professional or technical support for us. By “Service Providers” we mean companies, agents, contractors, service providers, or others engaged to perform functions on our behalf (such as processing of payments, provision of data storage, hosting of and maintaining our website, marketing of our products and services, and conducting audits). When we use a Service Provider, we require that the Service Provider use and disclose the Personal Information and Non-Personal Information received from us only to provide their services to us or as required by applicable law.

We may also disclose Personal Information and Non-Personal Information to Online Tool Providers. By “Online Tool Provider” we mean a licensor of software that we include in, or use with, the Services, including an API or SDK, that provides a specialized function or service to us and that requires the transmission of Personal Information and/or Non-Personal Information to the Online Tool Provider. Online Tool Providers may have the right to use Personal Information and Non-Personal Information about you for their own business purposes. Use and disclosure of Personal Information and Non-Personal Information by an Online Tool Provider is described in its privacy policy. See Section 5 below for some of the key Online Tool Providers we use.

We may also disclose your Personal Information to third parties when we believe, in good faith and in our sole discretion, that such disclosure is reasonably necessary to (a) enforce or apply

the terms and conditions of the Services, including investigation of potential violations thereof, (b) comply with legal or regulatory requirements or an enforceable governmental request, (c) protect the rights, property or safety of us, our users or other third parties, (d) prevent a crime or protect national security, or (e) detect, prevent or otherwise address fraud, security or technical issues.

We reserve the right to transfer information (including your Personal Information) to a third party in the event of a sale, merger, or transfer of all or substantially all of the assets of our company relating to the Services, or in the unlikely event of a bankruptcy, liquidation, or receivership of our business. We will use commercially reasonable efforts to notify you of such transfer, for example via email or by posting notice on our website.

Lastly, we may also disclose Non-Personal Information, aggregated with information about our other users, to our clients, business partners, merchants, advertisers, investors, potential buyers and other third parties if we deem such disclosure, in our sole discretion, to have sound business reasons or justifications.

## **5. Cookies and Automatic Information Gathering Technologies**

Every time you use the Services (e.g., access a Service webpage), we collect Personal Information and Non-Personal Information (discussed above in Section 2) regarding that use. For example, to improve our Services, we collect how, when, and which parts of the Services or its features you use. Also, we may use your device's unique identifier (UDID) or other unique identifiers to assist us in collecting and analyzing this data.

To assist us in collecting and storing this Non-Personal Information, we may employ a variety of technologies, including "Cookies," local browser storage, and "web beacons," "pixels," or "tags." For example, we use cookies to track the total number of visitors to our Web site on an aggregate basis and to track your company's use of the Services. A "Cookie" is a small amount of data a website operator, or a third party whose content is embedded in that website, may store in your web browser and that the website operator or, as applicable, the third party, can access when you visit the website. A web beacon, pixel or tag is a small, usually-transparent image or script placed on a web page that allows the operator of that image or script, which may be the operator of the website you visit or a third party, to read or write a Cookie.

Your operating system and web browser may allow you to erase information stored in Cookies and local browser storage. But if you do so, you may be forced to login to the Services again and you may lose some preferences or settings. You may also be able to set your browser to refuse all website storage or to indicate when it is permitted, but some features of our Services may not function properly without it. We may use Cookies to keep you logged in, save your preferences for the Services, and to collect information about how you use our Services.

An Online Tool Provider may collect information automatically, in which case Personal Information and Non-Personal Information it receives are subject to the Online Tool Provider's privacy policy. Some Online Tool Providers may allow you to opt out of certain collection and/or uses of your information. You can read more here about Google Analytics at <https://analytics.google.com/analytics/web/provision/#/provision>.

## **6. Transparency and Choice; Do Not Track Signals**

You may request access to your Personal Information by sending an email to [pierpass.offpeak-tmf@pierpass.net](mailto:pierpass.offpeak-tmf@pierpass.net). We will try to locate and provide you with your Personal Information and give you the opportunity to correct this data, if it is inaccurate, or to delete it, at your request. But, in either case, we may need to retain it for legal reasons or for legitimate business purposes. You may also remove any content that you post to the Services using the deletion or removal options within the Service. However, we (and you) are not able to control information that you have already shared with other users or made available to third parties through the Services.

If you need further assistance with removing any content you posted through the Services, you can email us at [pierpass.offpeak-tmf@pierpass.net](mailto:pierpass.offpeak-tmf@pierpass.net). Removal of your posted content may not ensure complete or comprehensive removal from our computer systems.

We ask individual users to identify themselves and the information requested to be accessed, corrected, or removed before processing such requests, and we may decline to process requests that are unreasonably repetitive or systematic, require disproportionate technical effort, jeopardize the privacy of others, would be extremely impractical (for instance, requests concerning information residing on backups), or relate to information that is not associated with your Personal Information. In any case, where we provide information access and correction, we perform this service free of charge, except if doing so would require a disproportionate effort.

Please be aware that if you ask us to delete your Personal Information, you may not be able to continue to use the Services. Also, even if you request that we delete your Personal Information, we may need to retain certain information for a limited period of time to satisfy our legal, audit and/or dispute resolution requirements.

We may use third-party service providers that collect information for interest-based advertising purposes (advertisements that are tailored to your likely interests, based on categories in which you have shown an interest). To learn more about these third parties and the choices they offer users, please visit the Network Advertising Initiative's [choices page, www.networkadvertising.org](http://www.networkadvertising.org) or the Digital Advertising Alliance's [choices page, www.aboutads.info/choices](http://www.aboutads.info/choices). If you are reading this Privacy Policy from a mobile device, you can learn more about the DAA's mobile choices program at [www.aboutads.info/appchoices](http://www.aboutads.info/appchoices).

We support the development and implementation of a standard "do not track" browser feature that provides customers with control over the collection and use of information about their web-browsing activities. Once a standardized "do not track" feature is released, we intend to adhere to the browser settings accordingly.

You can opt out of receiving marketing e-mails from us by clicking on the "unsubscribe" link in the e-mails. Please note that it may take up to ten (10) business days for your opt-out request to be processed. Also, even if you opt out of marketing e-mails, we may continue to send you certain account-related e-mails, such as notices about your account and confirmations of transactions you have requested.

## **7. Residents of California, Nevada, or Canada**

Residents of California

You may have heard of the California Consumer Privacy Act of 2018 and the California Privacy Rights Act of 2020 (together, the “California Privacy Laws”), which provide certain rights to California residents in connection with their Personal Information. PierPASS complies with the obligations of a “service provider” under the California Privacy Laws, and PierPASS does not “sell” the information of California residents within the meaning of the California Privacy Laws. If you are a California Consumer and have any questions about our privacy practices or how we collect, use and disclose your personal information, please email us at: [pierpass.offpeak-tmf@pierpass.net](mailto:pierpass.offpeak-tmf@pierpass.net).

#### Residents of Canada

If you have an objection to the use of your Personal Information as described in this Privacy Policy, you may file a complaint by sending an email to: [pierpass.offpeak-tmf@pierpass.net](mailto:pierpass.offpeak-tmf@pierpass.net). We will attempt to accommodate your objection or complaint, but you understand that, to the extent you object to our processing of Personal Information that is necessary for us to provide the Services to you, certain features and functionalities of the Services may no longer be available to you. Nothing in this Privacy Policy prejudices your rights to file a complaint with the Office of the Privacy Commissioner of Canada, and/or with any other applicable data protection authorities.

#### Residents of Nevada

We do not sell your Personal Information. However, you may contact us at: [pierpass.offpeak-tmf@pierpass.net](mailto:pierpass.offpeak-tmf@pierpass.net).

### **8. Children**

The Services are not intended for users under 18 years of age. We do not knowingly collect Personal Information from users under 18 years of age. We do not authorize users under 18 years of age to use the Services. If you are the parent or guardian and have learned or suspect that your child under the age of 18 has provided us with Personal Information, please contact at: [pierpass.offpeak-tmf@pierpass.net](mailto:pierpass.offpeak-tmf@pierpass.net) and provide us with the name and email address that was used and we will promptly delete such information.

### **9. Information Security**

We utilize reasonable information security measures to safeguard your Personal Information against unauthorized access, modification, or destruction. For example, we utilize Secure Socket Layer (SSL), Transport Layer Security (TLS), or similar encryption technology when sensitive data is transmitted over the Internet and when you submit information on our "Clean Truck Fund Rate Payment page, and use firewalls to help prevent external access into our network. However, no data transmission over the Internet and no method of data storage can be guaranteed to be 100% secure. Therefore, while we strive to use commercially acceptable means to protect your Personal Information, we cannot guarantee its security.

We restrict access to Personal Information in our possession to our employees, Service Providers, and Online Tool Providers who need to know that information in order to operate, develop, improve or support our Services. If we share Personal Information with Service Providers or Online Tool Providers, we require that they also use reasonable information security measures to safeguard your Personal Information, comply with any applicable laws or regulations with respect to information security.

## **10. Third Party Websites**

Please note that the Services may link or integrate with third-party sites, services or apps. We are not responsible for the privacy or security policies or practices or the content of such third parties. PierPASS does not endorse and is not responsible for the information practices or privacy policies of websites operated by others that may be linked to our Services. If you decide to access a third party's website that may be linked to our Services, you should consult that website's privacy policy. Accordingly, we encourage you to review the privacy and security policies and terms of service of those third parties so that you understand how those websites collect, use, share and protect your information.

## **11. Changes to this Policy**

We may modify or update this Privacy Policy periodically with or without prior notice by posting the updated policy on this page. You can always check the "Last Updated" date at the top of this document to see when the Privacy Policy was last changed. If we make any material changes to this Privacy Policy, we will notify you by reasonable means, which may be by e-mail or posting a notice of the changes on our website prior to the changes becoming effective. We encourage you to check this Privacy Policy from time to time. IF YOU DO NOT AGREE TO CHANGES TO THIS PRIVACY POLICY, YOU MUST STOP USING THE SERVICES AFTER THE EFFECTIVE DATE OF SUCH CHANGES (WHICH IS THE "LAST UPDATED" DATE OF THIS PRIVACY POLICY).

## **12. Questions**

To ask questions about our Privacy Policy, technical questions about the operation of the Services, or to lodge a complaint, contact us at:

PierPASS, Inc.  
13001 Seal Beach Blvd.  
Suite 250  
Seal Beach, CA 90740  
USA  
Email: [pierpass.offpeak-tmf@pierpass.net](mailto:pierpass.offpeak-tmf@pierpass.net)