

## **Evolve Broadband Subscriber Privacy Notice for High Speed Internet and Phone Service**

Evolve Cellular Inc. dba Evolve Broadband (“Evolve Broadband”) is committed to respecting and protecting your privacy. We have updated our customer privacy notice to provide an understanding of how Evolve Broadband protects your privacy in connection with our High-Speed Internet or Evolve Broadband Phone services (“Services”) and any other communications services we may provide to you using our wireless system. You are entitled to know the limitations imposed on wireless operators regarding the collection, use and disclosure of personally identifiable subscriber information, and your rights related to this information and its disclosure. Additional terms and conditions apply to the Services, and can be found in your subscriber agreements, or at [www.Evolve Broadband.com](http://www.Evolve Broadband.com).

This notice covers only information about you that is collected by Evolve Broadband in connection with Services (“customer information”). This notice does not cover information that may be collected through any other products, services, or websites, even if accessed through our services and even if co-branded with our services.

### **A. What types of Customer Information Do We Collect?**

Some customer information we collect identifies or can potentially identify you (we call this “personally identifiable information”), such as your name, address and telephone numbers; your Social Security Number; credit information and bank account or credit card numbers; your payment preferences; subscriber correspondence; or other demographic information, such as household size. Our records also contain information on billing and payment history, maintenance and repairs, inquiry and technical support interaction, service options you have chosen, and other information related to installation and maintenance of your Services. Personally identifiable data does not include aggregated data that does not identify a particular person or persons, or demographic information not connected to an identified individual or household, or non-persona information such as MAC addresses associated with routers or other equipment identifiers.

In addition, as part of our normal course of business, we generate and maintain billing and account information such as billing, payment, and deposit history; the services to which you have subscribed; customer correspondence and communications records; and maintenance, repairs, and complaint information.

Sometimes, we also obtain additional information from outside sources to supplement the information we collect from you. We might add information about you or your community available from third parties such as research consultants and marketing firms (such as the information that merchants use in delivering catalogues by mail, or census information about neighborhoods).

We may also collect the following service-specific customer information depending on the Services to which you subscribe:

**Phone Services.** As part of delivering phone services, we keep information about the quantity, technical configuration, type, destination, location, and amount of your use of phone services, calling patterns and information contained on your telephone bill concerning the phone services

you receive. When that information is accompanied by your name, address, or telephone number, it is known as customer proprietary network information or "CPNI" and is subject to special protections as described in Section E below. Your name, address, and telephone number alone do not constitute CPNI.

**High-Speed Internet Service.** If you subscribe to our high-speed Internet service we transmit, and may collect and store for a period of time, information generated by the service when you send and receive e-mail, video mail, and instant messages; transfer and share files; make files accessible; visit websites; or post blogs, comments, or other information.

## **B. How do We Use Customer Information?**

We use customer information, including personally identifiable information, primarily to conduct business activities related to our provision of reliable and high-quality Services. More specifically, we may use personally identifiable information to: install, maintain, and upgrade Services and the devices and software we use to provide them; to bill properly for Services; to send you pertinent information regarding the Services; to configure and improve the Services; to detect unauthorized reception of the Services; to offer you other services or products that we think may be of interest to you (subject to your right to limit or restrict us from making these offers as described in this Privacy Notice) and for tax and accounting purposes. We also keep records from research concerning customer satisfaction and viewing or system use habits.

## **C. When Do We Disclose Customer Information to Third Parties?**

Evolve Broadband considers the personally identifiable information that we keep to be confidential. Unless prior written or electronic consent is obtained, we will disclose to third parties personal information that we maintain related to our subscribers only when it is necessary to render other services to you, or to carry out related activities in the ordinary course of business for our ordinary business purposes, at a frequency that varies in accordance with the particular business need.

We may provide your name and address to marketing organizations, programmers and other businesses. We may also use or disclose customer information, including personally identifiable information, without your consent to protect our customers, employees, or property, in emergency situations, to enforce our rights under our terms of service and policies, if your account is referred to a collection agency or attorney, in court or elsewhere, and as otherwise permitted by law.

The types of persons to whom information about you may be disclosed without your prior written or electronic consent include: installation, repair, and subscriber assistance subcontractors; entities providing services to us that we resell or license to you; billing and collection services; program guide distributors; software vendors; firms conducting market research on our behalf; and other related legal entities.

Evolve Broadband may also disclose information about you to representatives of government, taxing, or other regulatory authorities in the furtherance of our legitimate business activities.

For all of the same purposes for which we use personally identifiable information as described in this Section B above, we may sometimes disclose such information to our affiliates, agents, contractors, outside auditors, professional advisors, service providers and vendors, potential

business merger, acquisition, or sale partners, and regulators. If a new company were to take ownership of our cable system, we reserve the right to disclose and transfer all customer information, including personally identifiable information, to the successor company.

#### **D. Special Phone Service Information.**

We may disclose customer information, including personally identifiable information, in connection with our phone service, such as in providing directory service, Caller ID, and 911/E911. In using our Evolve Broadband Phone services, your name and telephone number may be transmitted and displayed on a Caller ID device unless you have elected to block such information (Caller ID blocking may not prevent the display of your name and telephone number if you dial certain business numbers, 911 or toll-free 800, 888, 877, or 866 numbers). Your name, address and phone number may be distributed in telephone directories or through directory assistance, and this information may be repackaged and made available in different formats by anyone. We take reasonable precautions to ensure that non-published and non-listed numbers are not included in our telephone directories or directory assistance services, although we cannot guarantee that errors will never occur.

Federal law regulates “customer proprietary network information,” also known as “CPNI.” CPNI is information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service that we receive solely as a result of our provision of telephone service to you. In particular, this includes information contained in our invoices pertaining to telephone service (other than your name, address and phone number), and the details of who you call and who calls you. For your protection, we will not disclose your call detail records over the phone to an inbound caller, and we require the use of a password to log into accounts where you can view your call detail information online. We use and disclose CPNI only in very limited circumstances as described below. Although federal law permits us to use and share CPNI for certain types of outbound marketing, we have elected not to do so. We only will use, disclose, or permit access to CPNI to provide you with the services to which you subscribe, including for use in directories; to bill and collect for communications services; to protect our rights or property, or to protect users or other carriers or service providers from fraudulent, abusive or unlawful use of, or subscription to, such services; to provide inside wiring installation, maintenance, or repair services; as required by law; or as expressly authorized by you.

#### **E. When Is Disclosure of Customer Information Required by Law?**

We must disclose customer information, including personally identifiable information, when required by the terms of a valid legal process such as a subpoena, court order, or search warrant. In addition, in accordance with the United States of America Patriot Act of 2001, we may be required to disclose personally identifiable information to law enforcement officials in accordance with both court orders and subpoenas. You may not be entitled by law to prior notice or the opportunity to contest these disclosures.

In some instances, we may disclose personally identifiable information and CPNI about you to representatives of government or to comply with a court order without your consent and without advance or any notice to you. In other situations (for example, if you owe or are owed welfare or child support), state welfare agencies may by administrative subpoena obtain your name, address, and other information as it appears in our records. We are required to notify

the National Center for Missing and Exploited Children of information about child pornography that we become aware of in the course of providing our services. This information may be provided without a court order, and we do not have to give you notice and the opportunity to contest such disclosure. If we notify you of specific legal requests or orders for personally identifiable information, and there is an opportunity for you to object to such disclosures, it is then up to you to object or take specific action to prevent these disclosures.

#### **F. Can I prohibit Evolve Broadband's Use and Disclosure of My Customer Information?**

You have some choices in how we use or disclose customer information. If you do not want us to disclose your name and address to third parties for mailing lists in connection with the promotion of Evolve Broadband's products and services and for other legitimate business activities related to our services, as explained in Section C above, please contact us by mail at Evolve Broadband Opt-Out, P.O. Box 569, Lockhart, Texas 78644, or by telephone at 512.777.7700. Any mailing list disclosures that we may make are limited by law to disclosures of subscriber names and addresses where the disclosures do not reveal, directly or indirectly, (i) the extent of any use by the subscriber of our Services; or (ii) the nature of any transaction made by the subscriber over our Services.

Evolve Broadband may use email and/or in-browser messages to send transactional or relationship messages related to your service, including information on changes in terms or features, updates and upgrades, new features to which you are entitled, and information on system outages. If you agree to our contacting you via email and/or in-browser messages for marketing messages, we may send you email messages marketing our services.

You may contact Evolve Broadband at any time at the contact numbers set forth in this Privacy Policy to ask us to put your name on our "do not call" list so that you do not receive marketing or promotional telephone calls from us or made at our request.

If you do not want us to use, disclose or permit access to your CPNI to market services that are not related to the Evolve Broadband Phone service to which you already subscribe, please contact us to prevent such use, disclosure and access. Occasionally, you may be asked during a telephone call with one of our representatives for your oral consent for us to use your CPNI for making such an offer for other services. If you agree, we will use your CPNI only for the duration of that telephone call. If you deny or restrict your approval for us to use your CPNI, you will suffer no effect, now or in the future, on how we provide any services to which you subscribe. Any denial or restriction of your approval remains valid until your services are discontinued or you affirmatively revoke or limit such approval or denial.

#### **G. How Long Do We Keep Customer Information?**

We will maintain personally identifiable information about you only as long as it is necessary for our business purposes. This period includes the time during which you are a subscriber to our services, plus a period of time after you cease to be an active subscriber, in order for us to comply with tax and accounting regulations and requirements.

#### **H. Changes to Privacy Notice.**

As required by federal law, we will notify you of our privacy policy annually. We reserve the right to modify this Privacy Notice at any time. We will notify you of any material changes via

written, electronic or other means. If you continue to use the services following notice, we will consider that as acceptance of the change.

**I. May I Inspect Customer Service Information?**

You have the right to inspect our records containing customer information about you, and to correct any errors in such information. In most cases, the personally identifiable information contained in these records consists solely of billing and account information. If you wish to inspect our records at our local business office, please notify us in writing 30 days in advance and an appointment will be arranged promptly during our regular business hours.