



## California Privacy Disclosure

Effective Date: August 20, 2020

Last Updated: December 22, 2020

The terms of this California Privacy Disclosure ("**Disclosure**") apply where you are a resident of California and sets out the rights you have with respect to the processing of your personal information. This Disclosure supplements our Privacy Statement ("**Statement**"), which is available at [www.modetransportation.com/privacy-statement](http://www.modetransportation.com/privacy-statement). Any capitalized terms not defined in this Disclosure have the meaning set out in our Statement.

We encourage you to read our Statement and this Disclosure to stay informed about our information practices and the choices available to you as a California resident.

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### 1. Personal Information We Collect

Under the Consumer Privacy Act of 2018 ("CCPA"), "**Personal Information**" is information that identifies, relates to, or could reasonably be linked directly or indirectly with a particular California resident, which may include an individual or household. Personal information does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Information excluded from the CCPA's scope, such as the following:
  - Health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA) or clinical trial data;



- o Personal information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA), and the Driver's Privacy Protection Act of 1994.

In the past 12 months, we have collected, and disclosed to third parties for our business purposes, the following categories of Personal Information relating to California residents covered by this disclosure:

**a. Categories of Personal Information**

| Category                                                                                                            | Examples                                                                                                                                                                                                                                                                                                                                                                                                | Collected |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| A. Identifiers.                                                                                                     | A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.                                                                                                                                                              | YES       |
| B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)). | A name, signature, Social Security number, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information. Some personal information included in this category may overlap with other categories. | YES       |
| C. Protected classification characteristics under California or federal law.                                        | Age (40 years or older), race, color, ancestry, national origin, citizenship, marital status, sex (including gender), or veteran or military status.                                                                                                                                                                                                                                                    | YES       |
| D. Commercial information.                                                                                          | Records of personal property, products or services purchased, obtained, or considered.                                                                                                                                                                                                                                                                                                                  | YES       |
| E. Biometric information.                                                                                           | Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a                                                                                                                                                                                                                                                                                              | NO        |



|                                                                                                                                       |                                                                                                                                                                                                                                                                                    |     |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                                                                                                                                       | template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.                                                               |     |
| F. Internet or other similar network activity.                                                                                        | Browsing history, search history, information on a consumer’s interaction with a website, application, or advertisement.                                                                                                                                                           | YES |
| G. Geolocation data.                                                                                                                  | Physical location or movements.                                                                                                                                                                                                                                                    | YES |
| H. Sensory data.                                                                                                                      | Audio, electronic, visual, thermal, olfactory, or similar information.                                                                                                                                                                                                             | NO  |
| I. Professional or employment-related information.                                                                                    | Current or past job history.                                                                                                                                                                                                                                                       | YES |
| J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)). | Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records. | NO  |
| K. Inferences drawn from other personal information.                                                                                  | Profile reflecting a person’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.                                                                                                                    | YES |

**b. Sources of Personal Information**

We obtain the categories of Personal Information listed above from the following categories of sources:

- Directly from you if you provide your Personal Information to us in connection with our Services.



- Directly and indirectly from your activity on our Sites.
- Directly from third parties, such as vendors, public authorities, and professional services organizations, such as law firms and accountants
- Directly and indirectly from our prospects, customers, or their agents. For example, through information we collect from our customers in the course of providing services to them.
- Information we derive. We may derive information or draw inferences about you based on the other types of Personal Information we collect. For example, we may infer your geolocation based on your IP address, or that you are interested in employment or participating in an event based on your browsing behavior on our Sites.

## **2. Use of Personal Information**

In the past 12 months, we have used Personal Information relating to California residents to operate, manage, and maintain our business, to provide our products and services, and to accomplish our business purposes and objectives, including the following:

- To fulfill or meet the reason you provided the information.
- To perform our Services, including, without limitation, maintaining or servicing your accounts, providing our Sites and ensuring their functionality, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing support, analyzing and personalizing our Services, and developing and improving our Services;
- To prevent fraud, detect and investigate security incidents, protecting against malicious, deceptive, or illegal activity, and prosecute those responsible for that activity;
- To provide quality or safety assurance related to our Services;
- To conduct audits pertaining to our compliance with various policies, standards, and laws;
- To respond to law enforcement requests and as required by applicable law, court order, governmental regulations, or our own internal policies based on or reflecting legal or regulatory guidance;
- As described to you in our [Statement](#), at the time we collect your Personal Information, or as otherwise set forth in the CCPA.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us about you is among the assets transferred.

We will not collect additional categories of Personal Information or use the Personal



Information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

### **3. Disclosure of Personal Information**

The categories of third parties to whom we disclosed Personal Information for our business purposes described in this Disclosure are:

- Subsidiaries, affiliates, or their or our successors or assigns;
- Our affiliates, contractors, vendors, consultants, professional advisors, and other service providers;
- Our contractors, vendors, consultants, professional advisors, and other service providers (collectively, "**Service Providers**") who assist us in providing the Services to you;
- A potential buyer (and its agents and advisors) in connection with any proposed merger, acquisition, or any form of sale or transfer of some or all of our assets (including in the event of a reorganization, dissolution or liquidation);
- Any competent law enforcement body, regulatory, government agency, court or other third party when we believe that such disclosure is necessary to: (i) comply with any court order, a request from any competent law enforcement agency, or any other legal obligation; (ii) enforce or apply the terms of a contract; (iii) protect the rights, property, or safety of you or others.

In the preceding twelve (12) months, we have disclosed the following categories of Personal Information for a business purpose:

- Identifiers;
- Characteristics of protected classifications under California or U.S. law,
- Professional and employment-related information,
- Education information,
- Commercial information, and
- Internet and electronic network activity.

### **4. Sales of Personal Information**

In the past twelve (12) months, we have not "sold" Personal Information, subject to the CCPA, including Personal Information of minors under the age of 16. For purposes of this Disclosure, "sold" means the disclosure of Personal Information to a third-party for monetary or other valuable consideration.

### **5. Your CCPA Rights and Choices**



The CCPA provides California consumers with specific rights regarding their Personal Information. This section describes your CCPA rights and explains how to exercise those rights.

If you are a California consumer, you have the right to:

1. Request we disclose to you free of charge the following information covering the 12 months preceding your request:
  - a. the categories of Personal Information about you that we collected;
  - b. the categories of sources from which the Personal Information was collected;
  - c. the purpose for collecting Personal Information about you;
  - d. the categories of third parties to whom we disclosed Personal Information about you and the categories of Personal Information that was disclosed (if applicable) and the purpose for disclosing the Personal Information about you; and
  - e. the specific pieces of Personal Information we collected about you;
2. Request we delete Personal Information we collected from you, unless the CCPA recognizes an exception; and
3. Be free from unlawful discrimination for exercising your rights under the CCPA.

## **6. How to Exercise Your CCPA Rights**

### **a. Exercising Access, Data Portability, and Deletion Rights**

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us by emailing your request with "CCPA Request" in the subject line and in the body of your message to: [mode.notices@modetransportation.com](mailto:mode.notices@modetransportation.com). We will provide a verification form to you at your email address in response. Please be aware that you must complete the verification form and submit it to us in order to make your verifiable consumer request related to your Personal Information.

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your Personal Information.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected Personal Information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.



We cannot respond to your request or provide you with Personal Information if we cannot verify your identity or authority to make the request and confirm the Personal Information relates to you. We will only use Personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

#### **b. Response Timing and Format**

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to 90 days), we will inform you of the reason and extension period in writing.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Depending on the circumstances, we may not be able to honor your request. For example, we will not be able to honor your request if we cannot verify your identity or if we cannot verify that you have the authority to make a request on behalf of another individual.

Additionally, we will not be able to honor your request where an exception applies, such as where the disclosure of Personal Information would adversely affect the rights and freedoms of another consumer or where the Personal Information that we maintain about you is not subject to the CCPA's access or deletion rights.

We will advise you in our response if we are not able to honor your request. We will not provide specific pieces of Personal Information if the disclosure presents the possibility of unauthorized access that could result in identity theft or fraud or unreasonable risk to data or systems and network security.

## **7. Other California Privacy Rights**

- a. Shine the Light.** Under California's "Shine the Light" law (Civil Code Section § 1798.83) permits users of our Sites who are California residents to request certain information regarding our disclosure of Personal Information to third parties for their direct marketing purposes. To make such a request, please contact us at [mode.notices@modetransportation.com](mailto:mode.notices@modetransportation.com) with "Request for California Privacy Information" in the subject line and in the body of your message. We will provide the requested information to you at your email address in response. Please be aware that not all



information sharing is covered by the “Shine the Light” requirements, and only information on covered sharing will be included in our response. We may ask for additional information to verify your identity.

**b. Other Consumer Rights Information.** Under California Civil Code Section 1789.3, we are required to provide California residents with the following specific consumer rights information:

- The Site is owned and operated by MODE Transportation, LLC.
- Unless otherwise expressly stated, this website is provided without charge.
- To file a complaint regarding this website or to receive further information regarding use of this website, please send a letter to or contact us via email at [mode.notices@modetransportation.com](mailto:mode.notices@modetransportation.com). You also may contact the Complaint Assistance Unit of the Division of Consumer Services of California’s Department of Consumer Affairs in writing at 400 R Street, Suite 1080, Sacramento, California 95814 or by telephone at (916) 445-1254 or (800) 952-5210.

## **8. Changes to this California Privacy Disclosure**

We may change or update this Disclosure from time to time. When we do, we will post the revised Disclosure on this page with a new “Last Updated” date. Your continued use of our Services following the posting of changes constitutes your acceptance of such changes.

## **9. Contact Us**

If you have any questions or comments about this Disclosure, or wish to exercise your rights under California law, please do not hesitate to contact us at:

MODE Transportation, LLC  
14785 Preston Road, Suite 850  
Dallas, TX 75254  
Phone: 972-447-0075  
[mode.notices@modetransportation.com](mailto:mode.notices@modetransportation.com)