



## Privacy Statement

Last Updated: December 22, 2020

### Overview

This Privacy Statement applies to MODE Transportation, LLC and, SunteckTTS Inc. along with our affiliates (collectively, "MODE", "we", "us", "our"). We have created this Statement to explain to our customers, carriers, agents, representatives and other online users ("you" or "your") what personal information (defined in [section 2, Personal Information We Collect](#)) about you we collect, use, share, safeguard and otherwise process, and the rights and choices with respect to this personal information that may be available to you. We also will tell you how you can reach us to answer any questions you may have about our privacy practices.

**Changes to this Privacy Statement.** We may change this Statement from time to time. If we make changes, we will notify you by revising the date at the top of this Statement, and in some cases, we may provide you with additional notice (such as by adding a statement to our website homepage or by sending an email notification). We encourage you to review this Statement to stay informed about our information practices and the choices available to you. Your continued use of our Services following the posting of changes constitutes your acceptance of such changes.

### Contents

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### 1. What this Privacy Statement Covers

This Statement covers our websites that link to this Statement, including, but not limited to the website found at [www.modetransportation.com](http://www.modetransportation.com) and [www.suntecktts.com](http://www.suntecktts.com) (together with all sub-domains, and any successor website(s) thereto (each, a "Site," collectively, the "Sites") and our transportation, logistics, and other services (collectively, the "Services"). It applies to all individuals who visit our



Sites, engage our Services, supply goods and services to us, and/or participate in our recruitment activities, as well as any other individuals about whom we obtain personal information, unless we specifically state otherwise.

## 2. Personal Information We Collect

In this Statement, we'll use the term "personal information" to mean any information that (i) directly and clearly identifies an individual, or (ii) can be used in combination with other information to identify an individual, or (iii) that is otherwise about an identifiable individual.

The types of personal information we collect about you depend on your interactions with us and are described in more detail below.

### a. Personal information you provide directly to us

We collect information when you directly provide it to us, such as when you visit any of our Sites, engage our Services, communicate with us, submit an application for employment, or otherwise engage with us through our Services.

The types of personal information we may collect include your:

- Personal details, such as given name(s); preferred name; gender; date of birth; and photograph;
- Contact information, such as name, email address, postal address, and phone number;
- Education information, such as educational degrees, languages, professional memberships, qualifications, and certifications;
- Professional or employment-related information, such as business unit/division, company name, job status, job title, office location, vendor number, and Factor ID, nature and status of licenses or authorizations, safety record, insurance information, and criminal background information, if authorized;
- Demographic information, which may include sensitive personal information or information about protected classifications, such as age, gender, race/ethnic origin, and nationality, where such collection is necessary;
- Commercial information, such as Services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.
- Payment details, which may include billing address; bank account number or credit card number; cardholder or account holder name; card or account security details; card 'valid from' date; card expiry date; and
- Any other information you choose to provide.

### b. Personal information we automatically collect when you visit any of the Sites

When you visit any of the Sites or use any features or resources available on or through a Site, we may automatically collect and process certain personal information. The types of personal information we may collect include your:



- Technical data, such as device type, operating system, browser type, browser settings, IP address, language settings; and
- Site use data, such as dates and times of connecting to a Site and other technical information, the webpages you visit on the Site, the files you viewed, and the website form which you navigated to the Site

Like many organizations, we may also collect information through the use of cookies, web beacons, pixels, and other technology. For more details, see [section 5, Analytics, Cookies and Advertising](#).

c. Personal information we collect from other third parties or publicly available sources  
When you engage our Services, we may rely on certain third parties (e.g., vendors, public authorities, and professional services organizations, such as law firms and accountants) as necessary to provide our Services to you and/or to fulfill our legal and regulatory compliance obligations. For example, we may confirm your credentials, insurance, or other authorizations or qualifications through third parties, or a third-party company may perform a background check on you if you apply for employment with us or apply to be an agent for us. As another example, we may use information from LinkedIn to update information about you in our contact database. In such cases, we receive personal information about you from third parties.

d. Personal 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.

### 3. Use of Personal Information

We will only use your personal information when and as the law allows us to. Most commonly, we will use your personal information for the following purposes:

- To fulfill the specific purpose(s) for which the personal information was collected/provided, including but not limited to the following examples:
  - Ex: To provide the Services to you and to administer and improve our day-to-day business activities (e.g., conduct sales, manage our vendors and contractors, or enter into or maintain our business relationship with you, as applicable);
  - Ex: To respond to your requests for customer or technical support;
  - Ex. To communicate with you about the Services;
  - Ex. To notify you about any changes to the Services;
  - Ex. To send you marketing materials, newsletters and updates;
  - Ex. To administer our Sites, and monitor and analyze usage, trends, and activities related to the Sites; and
  - Ex. To assess job applicants and make hiring decisions;
- To perform our contractual obligations;



- Legitimate purposes including, without limitation, improving and securing our Sites and information technology systems, and protecting against malicious, deceptive, fraudulent or illegal activity;
- To address our legal and regulatory compliance obligations; and
- For any other purpose with your consent.

We may process and store your personal information in the United States of America (“U.S.A.”) and other countries, which may have less-protective data protection laws than the region in which you are situated. Please note that this processing, including storage, may involve cross-border transfers of your personal information as described in [subsection 6\(b\), Data Transfers](#).

#### **4. Disclosure of Personal Information**

Depending on our relationship with you, we may share your personal information with customers, carriers, shippers, and independent parties with whom we contract and their respective representatives as part of our provision of the Services, but only strictly as necessary to facilitate our provision of the Services.

Additionally, we may share your personal information with the following categories of recipients:

- With our subsidiaries, affiliates, or their or our successors or assigns (including those located outside the U.S.A.) as necessary to support provision of the Services;
- With our principal investors and their affiliates, contractors, vendors, consultants, professional advisors, and other service providers, which will process the personal information on the basis of our legitimate interests in their oversight of the administration, research, and business operations of MODE.
- With the contractors, vendors, consultants, professional advisors, and other service providers (collectively, “Service Providers”) who assist us in providing the Services to you. Since our Service Providers may be located around the world, please note that these disclosures may involve cross-border transfers of your personal information as described in [subsection 6\(b\), Data Transfers](#).
- With 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), in which case personal information held by us about you will be among the assets transferred to the buyer or acquirer.
- With 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 any of the other circumstances described in [section 3, Use of Personal Information](#).

## 5. Cookies

We use and allow our Service Providers to use cookies and similar technologies, such as pixel tags, web beacons, clear GIFs, and JavaScript, to enable us to recognize your web browser and tell us how and when you visit and use our Site, to analyze trends, and to operate and improve our Services. For detailed information on the cookies we use and the purpose for which we use them, see our [Cookie Policy](#).

## 6. Data Security, Transfers and Retention

- a. Data Security.** We implement reasonable technical and organizational measures designed to assist in maintaining the security of the personal information we collect from you; safeguarding against anticipated threats to the confidentiality, integrity, and availability of personal information; and protecting your personal information against accidental or unlawful destruction, loss, alteration, and unauthorized disclosure or access. With respect to payment card information, our technical and organizational measures include all applicable security requirements in accordance with the Payment Card Industry Data Security Standard.

However, whenever personal information is processed, there is a risk that such information could be lost, misused, modified, hacked, breached and/or otherwise accessed by an unauthorized third party. No data transmission over the Internet is completely secure. Accordingly, we cannot guarantee the security of any information that you transmit to us, so you do so at your own risk.

In addition to the technical and organizational measures that MODE has in place to protect your personal information, you should use appropriate security measures to protect your personal information, including protecting the security of your log in information and credentials.

- b. Data Transfers:** We provide appropriate protections for international data transfers where specified by law. However, we are based in the U.S.A. By allowing us to collect personal information about you, you consent to the transfer and processing of your personal information in the U.S.A. in accordance with this Statement.

The personal information we collect may be transferred to, stored, or otherwise processed in the U.S.A, Canada, Mexico and other locations. We also transfer personal information to service providers that process personal information for us in the U.S.A, Canada, Mexico and other locations. While in another jurisdiction for processing, your personal information may be accessed by the courts, law enforcement, and national



security authorities, or other authorities of that jurisdiction. These jurisdictions may not provide the same level of data protection as your home jurisdiction.

- c. Data Retention: The criteria for determining the duration for which we will keep your personal information are as follows:
  - we will retain your personal information no longer than is necessary for the purpose for which it was collected; or
  - where applicable law requires a longer retention period, we will retain your personal information for the time specified under law unless we must retain such information for a longer time in order to establish, exercise or defend any legal rights.

## 7. Managing your Personal Information and Your Rights

- a. Managing your personal information. You can contact us at [mode.notices@modetransportation.com](mailto:mode.notices@modetransportation.com) to find out if we hold any personal information about you. You may request that we update, correct, deactivate or delete your personal information.

We may not be able to delete all of your personal information because of laws, rules, or regulations applicable to us or because of our legitimate business interests. Your personal information may reside in our backup archives temporarily after we delete your personal information from our production system. We may retain aggregated, anonymous data derived from your personal information

We may periodically send you newsletters or marketing material via email. You can opt-out of our marketing materials by managing your communication preferences in your account or by following the unsubscribe instructions provided in each email. We may continue to send you administrative emails even if you indicate that you no longer wish to receive promotional email from us.

- b. Your Rights. Depending on where you reside, you may have certain rights regarding your personal information, such as the right to request access, correction, deletion, or other actions with respect to your personal information, and you may exercise the rights available to you depending on applicable law with regards to the personal information we collect.

To exercise your rights, including to make a request to access, delete, update or correct your personal information, or to ask for portability of your personal information, or to object to the processing on grounds relating to your specific situation, please use the contact details provided in [section 10, Contact Us](#).

- California Residents. If you are a California resident, please see [section 8, Information for California Consumers](#), regarding, among other things, your rights and our privacy practices related to the California Consumer Privacy Act of 2018 (“CCPA”).



- Mexico Residents. If you are a resident of Mexico: Please click [here](#) for information regarding your rights and our privacy practices required under Mexico’s Mexican Personal Data Protection Law (Ley Federal de Protección de Datos Personales en Posesión de los Particulares).

## 8. Information for California Consumers

If you are a resident of California whose personal information is subject to the CCPA, you may review further details about the personal information we have collected about you by reading the following:

- Categories of Personal Information Collected: In the preceding 12 months, we have collected the following categories of personal information: identifiers, characteristics of protected classifications under California or U.S. law, professional and employment-related information, education information, commercial information, internet and electronic network activity, inferences drawn about your preferences, and other categories of personal information that relates to or are reasonably capable of being associated with you. For examples of the precise data points we collect, please see [section 2, Personal Information We Collect](#).
- Business or Commercial Purpose for Collecting and Using Data: We collect personal information for the business purposes described in [section 3, Use of Personal Information](#).
- Categories of Sources of Personal Information: We collect personal information from you and the sources described in [section 2, Personal Information We Collect](#).
- Categories of Personal Information Disclosed: In the preceding 12 months, we have disclosed the following categories of personal information for business or commercial purposes: identifiers, characteristics of protected classifications under California or U.S. law, professional and employment-related information, education information, commercial information, internet and electronic network activity, inferences drawn about your preferences, and other categories of personal information that relates to or is reasonably capable of being associated with you.
- Categories of Third Parties with Whom We Share Personal Information: We may share your personal information with the third parties as described in [section 4, Disclosure of Personal Information](#).
- Sale of Personal Information (as defined by the CCPA): We do not sell the personal information we collect.
- CCPA Rights. California residents may make a request pursuant to their privacy rights under the CCPA by using the contact details under the “Contact Us” heading below.
- Additional disclosures. California law requires additional disclosures which may be found here in our [California Privacy Disclosure](#).

## 9. Other Privacy Issues





- a.** Terms and Conditions. All use of our Sites is subject to our [Terms and Conditions](#).
- b.** Children’s Information. Our Services are not aimed at children. We do not knowingly collect personal information from children under the age of 18. If you believe that a child under the age of 18 has disclosed personal information to us, please use the contact details provided in [section 10, Contact Us](#). We will remove the personal information from our systems if required. Please note that we may ask you to verify your identity before responding to any such requests.
- c.** Disclaimer of Links to Other Websites. Any of our Sites may contain links to other websites or applications. This Statement only applies to the Sites that link to this Statement and not to any other website or application. We are not responsible or liable for any content, advertising, products, or other materials on or available from third party websites or for any privacy or other practices of the third parties operating those websites. We encourage you to carefully read the privacy statement of any third-party website or application before you provide your personal information to those third parties.
- d.** Do Not Track Signals. Some web browsers may transmit “do not track” signals to websites. The Sites do not currently recognize or respond to do not track signals.
- e.** Automated decision-making: We do not use automated decision-making without human intervention, including profiling.

## 10. Contact Us

With questions, comments, or concerns regarding this Privacy Statement or MODE’s collection or use of personal information, please contact us at [mode.notices@modetransportation.com](mailto:mode.notices@modetransportation.com).

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