

## Yes Energy Privacy Notice

*Last Updated:* [May 24, 2024]

Yes Energy LLC and its affiliates and subsidiaries (“**Yes Energy**,” “**we**,” “**us**,” or “**our**”) respect your privacy. This Privacy Notice describes the processing of Personal Information (defined below) that is provided, collected, or disclosed in the course of providing our products or services to you, or via our websites, applications, social media pages, other platforms that link to this Privacy Notice, including when you apply for a job with us (collectively, “**Services**”). It also describes rights you may have under applicable laws.

This Privacy Notice is available to consumers with disabilities. To access this Privacy Notice in an alternative downloadable format, please [click here](#).

### **1. Personal Information We Collect**

We may collect a range of Personal Information. “**Personal Information**” means information that uniquely identifies, relates to, describes, or is reasonably capable of being associated with or linked to you.

The types of Personal Information we collect may include:

- *Contact Information* – If you submit an inquiry, register for an account, or provide information on or through our Services, we may collect your contact information. This may include your name, title, address, company name, email address, demographic information, and phone number.
- *Commercial Information* – If you submit an inquiry, or provide information on our websites, we may collect commercial information including information about your purchases and the Services you have shown interest in.
- *Usage Information* – When you use our website or use the Services, we may automatically record information, including your Internet Protocol address (IP Address), geolocation of your device, browser type, referring URLs (e.g., the website you visited before coming to our website), domain names associated with your internet service provider, and any other information regarding your interaction with our website and Services, including credentials utilized in ISO regions.
- *Employment Information* – If you apply for employment with us, we will collect Personal Information related to your potential employment, including your education and employment history, address and contact information, demographic information, and any other information included in your resume, cover letter or application.
- *Communication Information* – We may collect Personal Information contained within your communications with us, including audio, electronic, or visual information, screen sharing views, and any files provided to us via email, chat, social media, telephone, or otherwise. Where permitted by applicable law, we may collect and maintain records of calls and chats with our agents, representatives, or employees via message, chat, post, or similar functionality.

### **2. How We Collect Personal Information**

- *Directly From You* – We collect Personal Information that you provide to us, for example, if you choose to contact us, request or purchase Services or information from us, or sign up to receive updates.

- *From Third Parties* – We may collect Personal Information from third parties including, business partners, subcontractors, advertising networks, analytics providers, and search information providers, who may provide us with Personal Information about you.
- *Through Online Tracking Technologies* – We use cookies and similar technologies to collect Personal Information related to activity on our website and email communications. For additional information regarding our use of these technologies, see the *Cookies and Tracking Technologies* section below.

### **3. How We Use Personal Information**

To the extent permitted by applicable law, we use Personal Information:

- *To provide and personalize our Services*, such as processing payments, providing customer service, maintaining or servicing accounts, verifying customer information, creating and maintaining business records, verifying eligibility, processing renewals and undertaking or providing similar services.
- *For internal research and development*, such as testing and verifying the quality of our Services, improving the quality of our Services, and creating new Services.
- *For marketing*, such as sending information about our Services, including using your information to send you messages, notices, newsletters, surveys, promotions, or news about events.
- *For communicating with you*, such as responding to your questions and comments.
- *For legal, security, or safety reasons*, such as protecting our and our users' safety, property, or rights; complying with legal requirements; enforcing our terms, conditions, and policies; detecting, preventing, and responding to security incidents; and protecting against malicious, deceptive, fraudulent, or illegal activity.
- *As part of a corporate transaction*, such as in connection with the sale of part or all of our assets or business, the acquisition of part or all of another business or another business' assets, or another corporate transaction, including bankruptcy.

If you are applying for employment with us, we also use Personal Information to process your job application, to verify the information you have provided in your application, conduct interviews, perform background and reference checks, to communicate with you and answer your questions, to confirm your eligibility for employment, and improve our recruiting processes. We may also save your Personal Information for future employment opportunities that may arise.

### **4. How We Disclose Personal Information**

We may disclose your Personal Information in the following circumstances:

- *Service Providers* – We disclose your Personal Information with third party service providers as necessary to enable them to support our Services or other aspects of our business.
- *Affiliates and Subsidiaries* – We may disclose your information to the Yes Energy family of companies for their and our business purposes and for marketing purposes, including to provide you information about the products or services we think may interest you.

- *Business Partners* – We may disclose Personal Information with trusted business partners or corporate affiliates. For example, we may disclose your Personal Information with a company whose products or services we think may be of interest to you or with whom we co-sponsor a promotion or service.
- *Legal Obligation or Safety Reasons* – We may disclose Personal Information to a third party when we have a good faith belief that such disclosure of Personal Information is reasonably necessary to (a) satisfy or comply with any requirement of law, regulation, legal process, or enforceable governmental request, (b) enforce or investigate a potential violation of any agreement you have with us, (c) detect, prevent, or otherwise respond to fraud, security or technical concerns, (d) support auditing and compliance functions, or (e) protect the rights, property, or safety of Yes Energy, its employees and clients, or the public against harm.
- *Merger or Change of Control* – We may disclose Personal Information to third parties as necessary if we are involved in a merger, acquisition, or any other transaction involving a change of control in our business, including but not limited to, a bankruptcy or similar proceeding. Where legally required, we will give you prior notice prior to such disclosure.

## 5. Cookies and Other Tracking Technologies

We and our service providers may use cookies and similar tracking technologies to collect information about how you use our Services. We process the Personal Information collected through such technologies to help operate certain features of our Services, to enhance your experience through personalization, and to help us better understand the features of our Services that you and other users are most interested in.

We may allow or enable third parties to collect Personal Information in order to provide their interest-based advertising services, and we use Google Ads and other third parties to serve ads for our Services across various websites. To opt-out of this type of advertising by Google, to customize your ad preferences, or to limit Google’s collection or use of your data, visit [Google’s Safety Center](#) and [Google’s Ad Settings](#) and follow [Google’s personalized ad opt-out instructions](#). Opting out will not affect your use of our Services.

We use analytics services, including Google Analytics, to assist us with analyzing our website traffic. These services utilize cookies and other technologies that collect your Personal Information. To learn more about how Google uses data, visit Google’s page on “[How Google uses data when you use our partners’ websites or apps](#).” You may download the [Google Analytics Opt-out Browser Add-on](#) for each web browser you use, but this does not prevent the use of other analytics tools. To learn more about Google Analytics cookies, visit [Google Analytics Cookie Usage on Websites](#).

To manage your preferences with respect to these technologies, please visit our preferences page. In addition, most browsers provide you with the ability to block, delete, or disable cookies, and your mobile device may allow you to disable transmission of unique identifiers and location data. If you choose to reject cookies or block device identifiers, some features of our Services may not be available, or some functionality may be limited or unavailable. Please review the help pages of your browser or mobile device for assistance with changing your settings. We do not respond to Do Not Track (“DNT”) signals sent to us by your browser at this time.

## 6. How Long We Keep Your Personal Information

We will retain each category of your Personal Information for as long as necessary to fulfill the purposes described in this Privacy Notice, unless otherwise required by applicable laws. Criteria we will use to determine how long we will retain your Personal Information include whether we need your it to provide you with the Services you have requested; we continue to have a relationship with you; you have requested information or Services from us; we have a legal right or obligation to continue to retain it; we have an obligation to a third party that involves your Personal Information; our retention or recordkeeping policies and obligations dictate that we retain your Personal Information; we have an interest in providing you with further information about our Services; or we have another business or legal purpose for retaining your Personal Information.

## **7. How We Protect Personal Information**

We use commercially reasonable efforts to protect the confidentiality and security of Personal Information. However, despite these efforts to store Personal Information in a secure environment, we cannot guarantee the security of Personal Information during its transmission or its storage on our systems.

## **8. International Use of our Services**

Our website is hosted in the United States. If you are visiting our website from outside of the United States, please note that by providing your Personal Information, it is being transferred to, stored, collected, or processed in the United States, where our servers are located and operated.

## **9. Children's Privacy**

We do not knowingly collect or solicit any Personal Information from children under the age of 16 without verified written parental consent. In the event that we learn that we have collected Personal Information from a child under the age of 16, we will promptly take steps to delete it. If you are a parent or legal guardian and think your child has given us their Personal Information, you can email us at [privacy@yesenergy.com](mailto:privacy@yesenergy.com).

## **10. Links to Third-Party Websites**

We are not responsible for the practices employed by any websites or services linked to or from our Services, including the information or content contained within them. We encourage you to investigate and ask questions before disclosing Personal Information to third parties, since any Personal Information disclosed will be handled in accordance with the applicable third party's privacy notice.

## **11. Notice to California Residents**

Subject to certain exceptions, this section applies to our collection and use of Personal Information if you are a resident of California, as required by the California Consumer Privacy Act of 2018 and its implementing regulations, as amended by the California Privacy Rights Act ("CCPA"), where "**Personal Information**" has the definition set forth in the CCPA.

We make the following disclosures regarding the Personal Information it has collected within the 12-month period preceding the Effective Date of this Privacy Notice:

### Sources of Personal Information

We collect Personal Information from the categories of sources detailed in the *How We Collect Personal Information* section above.

Use of Personal Information

We collect Personal Information for the business and commercial purposes detailed in the *How We Use Personal Information* section above.

Disclosure of Personal Information

The categories of Personal Information we collect, and the third parties to whom we disclose Personal Information for a business or commercial purpose, or to whom we sell or share Personal Information, are summarized in the chart below. We do not knowingly sell or share the Personal Information of minors under the age of 16.

<b>Categories of Personal Information We Collect</b>	<b>Categories of Recipients to Whom We Disclose Personal Information for a Business or Commercial Purpose</b>	<b>Categories of Third Parties to Whom We Sell or Share Personal Information</b>
Identifiers	<ul style="list-style-type: none"> <li>● Affiliates and subsidiaries</li> <li>● Service providers</li> <li>● Business partners</li> <li>● Third parties for legal, security, and safety purposes</li> <li>● Third parties in connection with a corporate transaction</li> <li>● Other entities to which you have consented to the disclosure</li> </ul>	<ul style="list-style-type: none"> <li>● Third-party marketers</li> <li>● Analytics providers</li> <li>● Other third parties that set cookies and other online tracking technologies on our website</li> </ul>
Personal information, as defined in the California customer records law	<ul style="list-style-type: none"> <li>● Affiliates and subsidiaries</li> <li>● Service providers</li> <li>● Business partners</li> <li>● Third parties for legal, security, and safety purposes</li> <li>● Third parties in connection with a corporate transaction</li> <li>● Other entities to which you have consented to the disclosure</li> </ul>	<ul style="list-style-type: none"> <li>● Third-party marketers</li> <li>● Analytics providers</li> <li>● Other third parties that set cookies and other online tracking technologies on our website</li> </ul>
Commercial Information	<ul style="list-style-type: none"> <li>● Affiliates and subsidiaries</li> <li>● Service providers</li> <li>● Business partners</li> <li>● Third parties for legal, security, and safety purposes</li> <li>● Third parties in connection with a corporate transaction</li> <li>● Other entities to which you have consented to the disclosure</li> </ul>	We do not sell or share this Personal Information.
Characteristics of protected classifications under California or Federal Law	<ul style="list-style-type: none"> <li>● Affiliates and subsidiaries</li> <li>● Service providers</li> </ul>	We do not sell or share this Personal Information.

	<ul style="list-style-type: none"> <li>• Third parties for legal, security, and safety purposes</li> <li>• Third parties in connection with a corporate transaction</li> <li>• Other entities to which you have consented to the disclosure</li> </ul>	
Internet or other similar network activity	<ul style="list-style-type: none"> <li>• Affiliates and subsidiaries</li> <li>• Service providers</li> <li>• Business partners</li> <li>• Third parties for legal, security, and safety purposes</li> <li>• Third parties in connection with a corporate transaction</li> <li>• Other entities to which you have consented to the disclosure</li> </ul>	<ul style="list-style-type: none"> <li>• Third-party marketers</li> <li>• Analytics providers</li> <li>• Other third parties that set cookies and other online tracking technologies on our website</li> </ul>
Geolocation data	<ul style="list-style-type: none"> <li>• Affiliates and subsidiaries</li> <li>• Service providers</li> <li>• Business partners</li> <li>• Third parties for legal, security, and safety purposes</li> <li>• Third parties in connection with a corporate transaction</li> <li>• Other entities to which you have consented to the disclosure</li> </ul>	<ul style="list-style-type: none"> <li>• Third-party marketers</li> <li>• Analytics providers</li> <li>• Other third parties that set cookies and other online tracking technologies on our website</li> </ul>
Inferences drawn from other Personal Information	<ul style="list-style-type: none"> <li>• Affiliates and subsidiaries</li> <li>• Service providers</li> <li>• Business partners</li> <li>• Third parties for legal, security, and safety purposes</li> <li>• Third parties in connection with a corporate transaction</li> <li>• Other entities to which you have consented to the disclosure</li> </ul>	<ul style="list-style-type: none"> <li>• Third-party marketers</li> <li>• Analytics providers</li> <li>• Other third parties that set cookies and other online tracking technologies on our website</li> </ul>
Professional or employment-related information	<ul style="list-style-type: none"> <li>• Affiliates and subsidiaries</li> <li>• Service providers</li> <li>• Business partners</li> <li>• Third parties for legal, security, and safety purposes</li> <li>• Third parties in connection with a corporate transaction</li> <li>• Other entities to which you have consented to the disclosure</li> </ul>	We do not sell or share this Personal Information.
Sensitive Personal Information	<ul style="list-style-type: none"> <li>• Affiliates and subsidiaries</li> <li>• Service providers</li> </ul>	We do not sell or share this Personal Information.

	<ul style="list-style-type: none"> <li>● Third parties for legal, security, and safety purposes</li> <li>● Third parties in connection with a corporate transaction</li> <li>● Other entities to which you have consented to the disclosure</li> </ul>	
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Other California Privacy Rights

Under California Civil Code Section 1798.83, individual customers who reside in California and who have an existing business relationship with us may request information about our disclosure of certain categories of Personal Information to third parties for the third parties’ direct marketing purposes, if any. To make such a request, please contact us using the information in the *Contact Us* section below. Please be aware that not all information sharing is covered by these California privacy rights requirements and only information on covered sharing will be included in our response. This request may be made no more than once per calendar year.

**12. Individuals in Japan**

This section provides additional information regarding Yes Energy’s processing of personal data of people located in Japan. Yes Energy collects, uses, and discloses Personal Information in the manner set forth in this Privacy Notice. If you have any concerns about our use of your Personal Information, we encourage you to contact us by sending an email to [privacy@yesenergy.com](mailto:privacy@yesenergy.com). We will do our best to resolve your complaint. However, if you are not satisfied, you can also submit your complaint to Japan’s Personal Information Protection Commission.

**13. Individuals in the European Union, European Economic Area, Switzerland, and the United Kingdom**

This section provides additional information regarding Yes Energy’s processing of personal data of people located in the European Union (“EU”), European Economic Area (“EEA”), Switzerland, and the United Kingdom (“UK”) in accordance with the EU General Data Protection Regulation, UK General Data Protection Regulation, and the Swiss Federal Data Protection Act. For purposes of this section, “**Personal Data**” has the definition set forth in the foregoing data protection laws.

Legal Basis for Processing

Our legal basis for processing Personal Data depends on the Personal Data concerned and the context in which we process it. We process Personal Data from you where we need it to perform a contract with you, where the processing is in our legitimate interests (including the purposes described in this Privacy Notice), where the processing is necessary for us to meet our applicable legal obligations, or if we otherwise have your consent.

Special Category Data

We do not intentionally collect any Special Category Data, which is any data that reveals your racial or ethnic origin, political opinions, religious, moral or philosophical beliefs, trade union membership, political views, the processing of genetic data, biometric data for the purpose of identifying a person, and data concerning health or a person’s sex life and/or sexual orientation. Please refrain from sending us any Special Category Data.

### Automated Decision-Making Technologies

Depending on where you are located, you may have the right to object to our use of automated decision-making technologies to process your Personal Data in a manner that produces legal effects or significantly affects you, and in certain cases we may require your consent to use such technologies.

### Transfers to Third Parties and Countries

Personal Data that we process may be transferred to and/or processed by third parties that are located in countries outside of the EU, EEA, Switzerland or the UK, some of which applicable authorities may not consider to have an adequate level of protection for Personal Data. We will only transfer Personal Data to third parties located outside of the EU, EEA, Switzerland, and the UK when it has ensured appropriate safeguards for such Personal Data through use of the standard contractual clauses or other lawful and approved methods.

## **14. Your Privacy Rights and How to Exercise Them**

Depending on where you live, you may have the following rights with respect to your Personal Information under applicable data protection laws:

- *Access* – You may have the right to know what Personal Information we have collected about you and to access such data.
- *Data portability* – You may have the right to receive a copy of your information in a portable and readily usable format.
- *Deletion* – You may have the right to delete your Personal Information that we have obtained, subject to certain exceptions.
- *Correction* – You may have the right to correct inaccuracies in your Personal Information.
- *Opt out of certain processing* – You may have the right to: (a) opt out of the processing of your Personal Information for purposes of targeted advertising, (b) opt out of the sale or sharing of your Personal Information; (c) limit the use of your Sensitive Personal Information (if applicable), and (d) opt out of the processing of your Personal Information for profiling in furtherance of decisions that produce legal or similarly significant effect concerning you.
- *Objection/Restriction of Processing* – you may have the right to object or restrict us from processing your Personal Information in certain circumstances.
- *Withdraw Consent* – you may have the right to withdraw your consent where we are relying on your consent to process your Personal Information.
- *Lodge a Complaint* – you may have the right to lodge a complaint with a supervisory authority or other regulatory agency if you believe we have violated any of the rights afforded to you under



applicable data protection laws. We encourage you to first reach out to us so we have an opportunity to address your concerns directly before you do so.

To opt out of marketing emails, please email us at [privacy@yesenergy.com](mailto:privacy@yesenergy.com) or by following the instructions included in the email correspondence. Please note that, even if you unsubscribe from certain correspondence, we may still need to contact you with important transactional or administrative information, as permitted by law. Additionally, if you withdraw your consent or object to processing of your Personal Information, or if you choose not to provide certain Personal Information, we may be unable to provide some or all of our Services to you.

To exercise any of the privacy rights afforded to you under applicable data protection laws, please submit a request to us by one of the following methods:

- E-mailing us at [privacy@yesenergy.com](mailto:privacy@yesenergy.com)
- Submitting a request through our [webform](#).
- Clicking on the opt out links at the bottom of our website

You may also initiate any opt outs by broadcasting an Opt-Out Preference Signal, such as the Global Privacy Control (GPC). We honor Opt-Out Preference Signals, including GPC. If you choose to use an Opt-Out Preference Signal, you will need to turn it on for each supported browser or browser extension you use.

You will not be discriminated against in any way by virtue of your exercise of the rights listed in this Privacy Notice which means we will not deny goods or Services to you, provide different prices or rates for goods or Services to you, or provide a different level or quality of goods or Services to you. Only you, or an authorized agent that you authorize to act on your behalf, may make a request related to your Personal Information. You may also make a request on behalf of your minor child.

We must verify your identity before fulfilling your requests, and if we cannot verify your identity, we may request additional information from you. If you are an authorized agent making a request on behalf of another person, we will also need to verify your identity, which may require proof of your written authorization or evidence of a power of attorney. We endeavor to respond to requests within the time period required by applicable law. If we require more time, we will inform you of the reason and extension period in writing.

We do not charge a fee to process or respond to your requests unless they are excessive or repetitive. If we determine that a request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request. We may deny certain requests, or only fulfill some in part, as permitted or required by law. If you are not satisfied with the resolution of your request and you are afforded a right to appeal such decision, you can appeal such decision by e-mailing us at [privacy@yesenergy.com](mailto:privacy@yesenergy.com) or submitting a request through our webform.

## **15. Changes to this Privacy Notice**

Please note that we may modify or update this Privacy Notice from time to time, so please review it periodically. We will provide you notice if material changes are made. Unless otherwise indicated, any changes to this Privacy Notice will apply immediately upon posting to our websites.

## **16. Contact Us**

If you have any questions about our practices or this Privacy Notice, please contact us at [privacy@yesenergy.com](mailto:privacy@yesenergy.com).