

Varsity Energy Privacy Policy (Effective as of October 8, 2020)

Varsity Energy and its affiliates (collectively “us,” “we,” or “our”) operates and controls websites accessed via browsers on desktop, mobile, tablet, and related devices, applications (e.g., Android and iOS), telephonic networks, social media and career/employment webpages, and devices provided to our customers to enable service, all of which are created or used in conjunction with operating our business and providing content and services (and some instances capturing information) to enable activity and interaction with current and prospective customers, employees, and partners as well as general visitors (individually, a “Site” and collectively the “Sites”). As part of our activities, we may conduct marketing, customer experience, and retention activities including but not limited to, polls/surveys, contests, promotions, events, sweepstakes, and loyalty/rewards programs.

At Varsity Energy, we are committed to respecting your privacy. This Privacy Policy (“Policy”) describes how we collect, use, disclose, store, and otherwise process information through the Sites.

In addition, this Policy states how you can control the collection, correction and or deletion of information the Sites may gather from your activity. We will not use or share information about you with anyone except as specified in this Policy.

This Policy only applies to information collected by us for visitors to or users of the Sites which include mobile device applications, online account management and social media websites we have created and manage. This policy does not cover how third parties may collect data from you on platforms, applications and or devices that you utilize to access any of the Sites.

When you access the Site or submit any personal information to us by any means, your information will be managed in accordance with this Policy. To understand your choices regarding your information, see Section 4 below.

1. Information We Collect

We collect Personal Information (defined below) about you in connection with many of our services with the goal of improving our services and providing you with the best products and experience.

When contacting or otherwise engaging with us, you may be required to submit information. When using our Sites, you may be prompted to store your name, service and or mailing address, email address, other information that may help authenticate your identity, or financial information such as bank account or credit card data.

This information request may be in conjunction with a request for service from us or to create an account for use in managing products and services you have purchased from us.

When communicating with us, all data and information may be transmitted and stored by us. We collect data and information as follows:

- Automatically as you navigate through our Site (See Website Use Information in part B below);

- When you use our applications;
- Through your interactions with us via phone calls, text messaging, chats, emails, webforms, or social media;
- When you use our products;
- When you access or use our services or devices;
- When you subscribe to our marketing materials;
- If you apply for a job with us; and
- And in other potential interactions with us such as an in-person event.

By providing us Personal Information, you agree that you are authorized to provide that information and are accepting this Policy and any supplementary privacy statement that may be relevant to you. If you do not agree to our practices, please do not register, subscribe, create an account, or otherwise interact with our Site.

We collect the following types of information:

- a) Personal Information: We collect PII, Customer Data, and Social Media Content (each defined below and collectively, “Personal Information”).

Personally identifiable information (“PII”) means any information that, by itself or in conjunction with other information, may be used to specifically identify or contact you including but not limited to, the following: (a) contact information, including name, address, telephone number, e-mail address, date and place of birth, social security and driver's license number; (b) credit and financial information, account numbers, billing and credit history or payment history, and employment and income information; (c) customer information such as customer service requests; (d) distribution utility account numbers or meter identification numbers, and (e) user ID/names, passwords, and answers to question created by you to help authenticate you when you contact us.

“Customer Data” means Customer Energy Usage Data (defined below) when combined or linked with your PII. We may collect Customer Data from our devices such as in-home thermostats, smart meters or Connected Home devices where and if applicable.

If you access or log-in to our Site through a social media service or another website, app, service or log-in (“Other Service”), the information we collect includes your user ID and or user name, any information or content you have permitted the Other Service to share with us such as your profile picture, email address or friends' lists, and any information you have made public (collectively, “Social Media Content”).

- b) Non-Identifying Information: We collect Customer Energy Usage Data and Website Use Information (each defined below and collectively, “Non-Identifying Information”).

“Customer Energy Usage Data” means measured energy usage that does not identify the customer to whom the energy usage information relates. This can also be your data aggregated with other forms of data.

“Website Use Information” means information our servers automatically record when you visit our Site such as your IP address. Like many websites, we use “cookies” and other tracking technologies (such as web beacons, pixel tags, tags, geofencing) (collectively “Automatic Data Collection Tools”) to keep track of your interests and or preferences and recognize you as a return visitor to personalize your experience. We allow our Service Providers (defined below) to utilize Automatic Data Collection Tools for analytic or marketing purposes. Some of the Automatic Data Collection Tools we use are associated with your customer account (including Personal Information), and others are not. We may use “session cookies” (cookies that last until you close your browser) or “persistent cookies” (cookies that last until you or your browser delete them).

2. How We Use Information We Collect

We use Personal Information and Non-Identifying Information to provide you products and services such as to fulfill your requests for products and services or to help us personalize our offerings and improve our service to you. We also use your Personal Information to manage and support our business functions such as fraud prevention, marketing, sales, and renewals, and legal and regulatory functions. To do this, we may combine Personal Information and Non-Identifying information collected online and offline including information from third party or publicly available sources.

Examples of how we use your information include the following business purposes:

- To fulfill your requests for products or services you have chosen and communicate with you or your authorized representative about those requests;
- For business or operational purposes (including product and service development; managing our communications; determining the effectiveness of our sales, marketing and advertising; analyzing and enhancing our products, services, websites and apps; ensuring the security of our networks and information systems; technical support; performing accounting, auditing, invoicing, reconciliation and collection activities, payment processing; data processing and management; and improving and maintaining the quality of our customer service ;
- To establish, manage and terminate business relations with you;
- To better understand customer behavior to improve our marketing, customer experience, and retention efforts and improve the distribution of our products and services;
- To obtain credit approval;
- To personalize our service offerings and inform you of our products and services and, in some cases, other than those that you have specifically requested;
- To verify identity of customers and protect us against error, fraudulent activities, theft, and damage to our goods and property;
- To comply with legal or regulatory requirements or to comply with legal processes including subpoenas, court orders or search warrants, and as otherwise authorized by law;
- To investigate or prevent illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person or violations of the terms and conditions of using the Sites;
- To enable your participation in programs, promotions, sweepstakes, contests, games, special events, blogs, and chats if you choose to participate;
- In connection with a job application or inquiry for employment consideration; and
- 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 our customers is among the assets transferred.

- a) Data analytics: We may use Customer Data to provide you with feedback about your energy use and analytics, your security and home automation system and controls, to help you set energy goals/budgets, and track your progress. We may also use Customer Data for customer support, system restoration, and research and development activities for new products and services, and other similar purposes. We also provide Customer Data to Service Providers (as defined below) for marketing purposes unless you have opted out of these sharing practices. (see Authorizing Sharing of Customer Data in Section IV below).

We use Non-Identifying Information to analyze Site traffic, understand customer needs, trends, and behaviors, improve our products and services, and improve marketing and interest-based advertising. We may use Non-Identifying Information by itself or with information obtained from publicly available sources or commercially available sources. For more information on how this type of advertising works, please visit <http://www.aboutads.info/principles>.

We may also monitor and record any communications we have with you like phone conversations, chat sessions, and emails. This is to ensure we are providing you with quality service and meeting our regulatory and legal responsibilities.

Under our refer-a-friend or similar promotions, when you invite others to participate in our services, we may collect the information you provide about those people such as their name, mailing address, email address, and phone number. When you give us their information, you confirm that you have their consent to do so, have provided them with the information set out in this Policy, and that they have not objected to the use of their Personal Information as described in this Policy.

3. Sharing Your Information

We DO not rent or sell your Personal Information but may share or disclose Personal Information with our affiliates, Service Providers (defined below), or other third parties that work with us. We will only share Personal Information for a business purpose or to help us provide products or services to you.

We may share Personal Information about you in the following circumstances:

- a) Service Providers:

We may share your Personal Information and Non-Identifying Information with third parties, contractors, consultants, agents, information processors, financial institutions, and other parties who require the information to assist us in establishing, maintaining and managing our business relationship with you ("Service Providers"), such as marketing or contacting you about our products and services. We may offer co-branded services or features, such as promotions, contests, sweepstakes or other programs with a third-party ("Co-Branded Services"). In addition, our Service Providers may collect your Personal Information directly from you or from publicly available sources and may share your information with us to help us provide a product or service

to you. These third parties will only have access to Personal Information necessary to complete their service and are not authorized by us to use or disclose the information except as necessary to perform services on our behalf or comply with legal requirements.

We require our Service Providers to enter into contractual agreements which require them to comply with similar confidentiality and data security standards as us and prohibit them from further disclosing or using your information other than to carry out the obligations in the agreements we have in place with them.

b) Transfer of Assets:

As we continue to develop our business, we may sell or purchase assets or businesses. If another entity acquires any of our assets, your Personal Information may be transferred to and used by this acquiring entity. Also, if any bankruptcy or reorganization proceeding is brought by or against us, all such information may be considered an asset of ours and as such may be sold or transferred to third parties to the extent permitted by applicable law. If these circumstances arise, we will continue to ensure the confidentiality and security of Personal Information.

c) Legal Necessity:

We may disclose Personal Information when required by law or if we believe such action is necessary to: (1) fulfill a government or regulatory request; (2) comply with the law or legal process; (3) protect or defend our legal rights or property, or our Site; or (4) to protect the health and safety of the general public.

4. What Choices Do You Have About Our Use of Your Information?

As a customer, you have choices in controlling Personal Information you share with us.

- a) Accessing and Updating Your Personal Information: It is important that the Personal Information we hold about you is accurate and current. Subject to applicable law, you may request access to the Personal Information we hold about you or change information that is inaccurate or out of date. Please contact us at bench@varsityenergy.com or you can access and manage your information from your [online account portal](#). It may not always be possible to completely remove or modify information in our databases, but we will make reasonable efforts to do so upon your request. When making an access request, we may require specific information from you to verify your identity and right to access the Personal Information we hold about you to protect your privacy and maintain security. We may charge you a fee in instances that require a disproportionate effort, but we will advise you of any fee in advance. We may decline to process requests that are frivolous or unreasonably repetitive, risk the privacy of others, or are extremely impractical.
- b) Commercial Electronic Communications from Us. You may unsubscribe from receiving commercial email communications by clicking the “unsubscribe” link included at the bottom of any marketing emails we send, or by emailing us at bench@varsityenergy.com.
- c) Authorizing Sharing of Customer Data: If we are sharing Personal Information with Service

Providers or other third party to market third party products and services to you, we will provide you an opportunity to opt-out of allowing us to release your Personal Information, however it may take several business days, based on the timeframe for completing such request particularly with a third party, to complete your request.

- d) “Do Not Track” Technology: Certain browsers may offer you the option of providing notice to websites that you do not wish for your online activities to be tracked for preference-based advertising purposes (“DNT Notice”). Unfortunately, given how interest-based advertising works, DNT Notices may not effectively accomplish this goal. For this and a variety of other reasons, with respect to our Site, we do not take any particular action based on browser based DNT Notices.
- e) Use of Cookies: If you are concerned about the storage and use of cookies and other tracking technologies, you may be able to direct your browser to notify you and seek approval whenever a cookie is being sent to your web browser or hard drive. You may also delete a cookie manually from your hard drive through your browser or other programs. If you are using a mobile or wireless device to view this Site, your mobile or wireless carrier may use cookies or unique identifier headers to transmit certain information about you to third parties. Please contact your mobile or wireless carrier to change or opt out of such setting if possible. Please note, however, that some parts of our Site may not function properly or be available to you if you refuse to accept a cookie or choose to disable the acceptance of cookies.

If you do not wish to participate in interest-based advertising via third party advertising networks or to opt out of the use of certain tracking technologies, please visit http://www.networkadvertising.org/managing/opt_out.asp or <http://www.aboutads.info/choices/> and follow the simple opt-out process.

5. Safeguarding Personal Information

- a) Data Security: We process information inside and outside the United States; therefore, your Personal Information may be processed on a server located outside of the United States. We have implemented physical, administrative, and technical safeguards and security measures we consider reasonable and appropriate to protect against the loss, misuse and alteration of Personal Information under our control. However, such safeguards cannot prevent loss, misuse or alteration of Personal Information and we cannot guarantee or warrant the security of any information. We are not responsible for the theft, destruction, or inadvertent disclosure of your personal Information and we are not responsible for any damages or liabilities relating to any such incidents to the fullest extent permitted by law. In the event your information is compromised, we will notify you in the most expedient time reasonable under the circumstances and where required under law. We may delay notification as necessary while we determine the scope of the breach and restore reasonable integrity to our systems and for the legitimate needs of law enforcement. We also review our security procedures periodically to consider appropriate new technology and updated methods to safeguard your information and our systems.
- b) Data Retention: We will retain, use, and store your Personal Information as necessary to comply with its business requirements and objectives, legal and regulatory obligations, to mitigate and resolve disputes, and enforce our agreements. We do not undertake any obligation to retain your

data for any particular length of time and anticipate retaining your Personal Information for as long as it is useful.

- c) Phishing Emails: We will only use your Personal Information to contact and interact with you as described in this Policy. We will not send you an email asking you to reply by providing personal or account information or threaten to disconnect your services unless you provide us personal information. If you receive such an email, it may be an attempted identity theft scheme that is commonly called “phishing,” where hackers steal your passwords or infect your computer with malicious software. If you are concerned about clicking links provided within an email sent by us, do not click the link. Instead, you should manually input our website address in your preferred web browser. Doing so will ensure that you do not open a third-party website disguised to look like our website. For more information about “phishing,” and steps you can take to protect your personal information, please visit the Federal Trade Commission’s website at www.ftc.gov.

6. Privacy of Children's Information

Our Site is not directed to anyone under the age of 18. We do not sell products or services to anyone under the age of 18 and we do not knowingly collect Personal Information from anyone under the age of 18. If you are a parent or guardian of a child under the age of 18 and believe he or she has disclosed Personal Information to us, please email us at bench@varsityenergy.com. A parent or guardian may review and request deletion of such child's Personal Information and prohibit the use of that information.

7. Linked Sites

Our Site may contain links to other websites, devices, apps, features, products and services (e.g., gifts cards) operated by third parties which may have their own privacy policies. This Policy does not apply to your use of third-party websites. We are not responsible for the practices or content on such linked sites, and your use of those sites is not governed by this Policy. We have no liability or responsibility for those sites or their policies/practices. We recommend that you carefully read the policies including the terms and conditions of use of each site you visit.

8. Contacting Us

If you have questions or comments about our Policy, wish to make corrections to your information, or want to opt-out from receiving certain types of email from us, or wish to withdraw your consent to the sharing your Personal Information, please contact us as follows:

By Email:

bench@varsityenergy.com

By Mail:

Senior Legal Officer
Varsity Energy
5120 Woodway Drive

Suite 7000
Houston, TX 77056

If you would like to make a complaint, please send an email to bench@varsityenergy.com. All complaints will be evaluated, and a reply will be sent as soon as appropriate. In some instances, we may have to cease services to you if necessary to satisfy your request.

9. Revisions to this Privacy Policy

We may review and update this Policy periodically without any prior notice. We will post a notice on this Site to inform you of any changes to our Policy and indicate when it was most recently updated. In the case of material changes that may adversely affect you, we may provide a more direct way of notifying you of changes to this Policy. If you do not wish to accept the changes, you should cease using this Site.

This Policy does not create or confer on any individual or on Varsity Energy any rights or impose on Varsity Energy any obligations beyond any rights conferred or obligations imposed by applicable law.

This Policy was last updated on October 8, 2020