

COMMAND ALKON INCORPORATED PRIVACY POLICY

Last modified: March 15, 2018

Purpose

Command Alkon Incorporated, including its related companies (“CAI” or “we”) is an international commercial organization that provides software solutions to companies in the ready-mix, aggregate, and bulk hauler industry through both on-premise and software-as-a-service (“SaaS”) methods. CAI respects the privacy of the users of its products and is committed to protecting the privacy of its users through our compliance with this privacy policy (“Privacy Policy”). This Privacy Policy describes our practices for collecting, using, storing, transferring, processing and disclosing personal data. Please read this Privacy Policy carefully to understand our policies and practices regarding treatment of personal data. By accessing our website and/or using our products, you consent to our collection, use, and disclosure of personal data as described in this Privacy Policy.

How We Collect and Use Personal Data

Personal Data You Provide

CAI collects the personal data you provide. For example, when you sign up for an account, we may collect information like names, e-mail addresses, physical address, phone numbers, etc. You may also provide personal data to, for example, learn more about our products or sign up for our notifications.

Data Collected Through our Products

CAI obtains personal data in connection with providing its products, including:

- (i) Hosted SaaS products to its customers;
- (ii) On-premise software products licensed to a customer for use on their own premises through provision of professional services;
- (iii) On-premise hardware products sold to a customer for use on their own premises; and
- (iv) Customer support services related to SaaS and on-premise software and hardware products.

For instance, when our customers use the products above, they may provide details about their employees, including their names, job titles, e-mail addresses, login credentials, telephone numbers, addresses, dates of birth, driver’s license numbers, and other information.

Please note that where CAI collects personal data through these products, our customers control what data is collected and how it is used and disclosed. Any questions related to how our customers process, use or share the personal data they collect through our products should be directed to the relevant customer.

Automatically-Collected Information

As you navigate through and interact with our websites and/or SaaS products, we may use automatic data collection technologies to collect certain information about your equipment, actions and patterns (“User Activity Information”), including (i) details of your use, including traffic data, location data through geo-location technology, logs and other communication data and the resources that you access and use and (ii) information about your device, including your operating system, IP address, and other mobile sign-on data.

The User Activity Information that we collect helps us to improve our websites and products, and to deliver a better and more personalized service by enabling us to estimate our usage patterns, display information you request in your relevant time zone as appropriate, and recognize you when you return to our website or product.

The technologies we use for this automatic data collection may include cookies. A cookie is a small file placed on the hard drive of your device. We use cookies to help analyze usage, customize our services, measure effectiveness, and promote trust and safety.

How We Use the Information We Collect

CAI uses the information it collects for the purposes of operating effectively, providing its products and services to customers, and administering and managing its relationships with customers. We also use the information we collect to process, evaluate and respond to your requests, respond to inquiries and applications; create, administer and communicate with you about your account (including any purchases and payments); operate, evaluate and improve CAI's business (including developing new products and services, managing communications, performing market research, analyzing CAI products/services/websites, and performing accounting, auditing, billing, reconciliation, and collection activities); ensure the safety of CAI network services and resources; and comply with applicable legal requirements.

How We Disclose the Information We Collect

We may disclose information that we collect as follows:

- To our affiliates;
- To third parties, such as contractors, service providers, consultants and other agents ("Service Providers"), that provide assistance to our business. Service Providers with whom we share such information generally are bound by confidentiality obligations;
- To fulfill the purposes for which you provided such information;
- To a buyer or other successor of CAI or any of our affiliates in the event of an acquisition, merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of CAI's or any of our affiliates' equity or assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceedings, in which Personal Data is among the assets transferred; and
- For any other purpose disclosed by us when you provide the information.

Notwithstanding any other provisions of this Privacy Policy, we also reserve the right to access, preserve and disclose any information we collect as we reasonably believe is necessary: (i) to respond to legal requirements, including complying with any court order, law or legal process and responding to any government or regulatory request, including responding to law enforcement or other government officials in response to a verified request relating to a criminal investigation or alleged illegal activity; (ii) to enforce or apply our policies and agreements; (iii) to detect, prevent or otherwise address fraud, security, trust and safety or technical issues; (iv) to respond to user support requests; or (v) to protect the rights, property, health or safety of CAI, our users, any third parties, or the public in general.

Third-Parties Services

You may be given the opportunity to elect to access and use third-party services or applications ("Third-Party Services") through some of our websites and/or products. This Privacy Policy addresses only CAI's collection, use and disclosure of information collected by CAI. It does not apply to the practices of third parties that we do not own, control, employ or manage, including, but not limited to, any Third-Party Services. If you disclose your information to a Third-Party Service, different rules may apply to that third party's use or disclosure of the information you disclose to that third party.

Security

CAI takes reasonable and appropriate precautions to protect personal data from loss, misuse and unauthorized access, disclosure, alteration and/or destruction. Although we work hard to protect your privacy, we cannot guarantee the security of information or that your Personal Data or private communications always will remain private. Unauthorized entry or use, hardware or software failure, and other factors may compromise the security of user information at any time.

Retention of Information

We will generally retain personal data for as long as is needed to fulfill the purposes outlined in this Privacy Policy. However, we may retain certain information as required by the applicable law (such as tax, accounting or other legal requirements), or for legitimate business purposes.

Your Rights and Choices

Account Information & Requests

In accordance with applicable law you may have the right to access, update or delete personal data we hold about you. This means you may have the right to: (i) be informed of the personal data we collect, how we use it and what information we have shared with third parties, and to be provided with a copy of that information; and (ii) have corrections made or have it deleted if such information is not accurate or processed in violation of applicable laws. You may be able to exercise these rights by logging into your account within the products that you use. Otherwise, to request such information directly, please submit a written request using the details provided in the Contact Us section below.

If you are from certain territories (such as the EEA from 25 May 2018 onwards), you may have the right to exercise additional rights available to you under applicable laws, including broader rights to access and erasure of your personal data, the right to object to or restrict processing of your personal data, or the right to data portability in certain circumstances. If you would like to make such a request, please contact us with a written request using the details provided in the Contact Us section. Where CAI relies on your consent to process personal data, you have the right to withdraw or decline your consent at any time. Please note that this does not affect the lawfulness of the processing based on consent prior to its withdrawal.

Remember that in certain regions, you also have the right to complain to a data protection authority (“DPA”) about our collection and use of your personal data. For more information, please contact your local DPA.

In the event CAI processes information about you on behalf of a customer, please direct your privacy inquiries and requests for access, correction or deletion of personal data to such customer.

Promotional Communications

From time to time, we may send you marketing communications about our products, in accordance with your preferences. You may opt out of receiving promotional messages from us at any time by following the instructions in those messages (often it will be a notice or link at the bottom of the message). If you opt out, we may still send you non-promotional communications, such as those about your account or our ongoing business relations.

Cookies

If you prefer, you can usually choose to set your browser to remove or reject browser cookies or to clear local storage. Please note that if you choose to remove or reject cookies, this could affect the availability and functionality of our website.

Location Information

You can turn location-based services on and off by adjusting the settings of your mobile device.

International Data Transfers and Privacy Shield

CAI is based in the United States and has offices globally. To facilitate our operations and to help deliver our products, we may transfer personal data to the U.S. and any other country where our affiliates, vendors, consultants and service providers operate. Such countries may have laws which are different, and potentially not as protective, as the laws of your country of residence.

When we transfer personal data abroad, we will take appropriate safeguards to protect the information in accordance with this Privacy Policy and seek to ensure that overseas recipients comply with applicable privacy laws.

When we transfer personal data from the European Economic Area (“EEA”) to the United States, we comply with the EU-U.S. Privacy Shield Framework and the Swiss - U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal data transferred from the European Union and Switzerland to the United States, respectively. CAI has certified to the Department of Commerce that it adheres to the Privacy Shield Principles (“Principles”). To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>.

If you have concerns about our compliance with this Privacy Policy, you should contact us as indicated in the Contact Us section below. If you are a resident of the EEA and we are not able to resolve your complaint, you may submit your complaint free of charge to JAMS (<https://www.jamsadr.com>), CAI’s designated independent dispute resolution provider. Under certain conditions specified by the Principles of the EU-U.S. and the Swiss-U.S. Privacy Shield Frameworks, respectively, you may also be able to invoke binding arbitration to resolve your complaint. CAI is subject to the investigatory and enforcement powers of the Federal Trade Commission with regard to EU-U.S. transfers of Personal Data. If CAI shares personal data collected in the EEA or Switzerland with a third-party service provider that processes the data solely on CAI’s behalf, then CAI will be liable for that third party’s processing of EU data in violation of the Principles, unless CAI can prove that it is not responsible for the event giving rise to the damage.

Legal Basis for Processing (EEA)

If you are an individual from the EEA, our legal basis for collecting and using personal data will depend on the personal data concerned and the specific context in which we collect it. However, we will normally collect personal data from you only where: (1) we have your consent to do so, (2) where we need the personal data to perform a contract with you (such as delivering products to you), or (3) where the processing is in our or a third party’s legitimate interests and not overridden by your data protection interests or fundamental rights and freedoms. In some cases, we may also have a legal obligation to collect personal data, or may otherwise need the personal data to protect your vital interests or those of another person.

Changes to the Privacy Policy

We may amend this Privacy Policy at any time by posting the amended Privacy Policy on our websites. The date the Privacy Policy was last revised is identified at the top of this Privacy Policy. All amended terms automatically take effect after they are initially posted on our website, unless a change in any applicable law requires immediate amendment. You are responsible for periodically checking this Privacy Policy for any changes.

Contact Us

To contact CAI with questions or concerns about this Privacy Policy or CAI’s practices concerning personal data, please use the contact information below:

If you are a resident in the EEA, please note that where CAI acts as a data controller responsible for your personal data, the legal entity is Command Alkon Incorporated in the United States. CAI will address all questions and complaints related to this Privacy Policy within a reasonable period.

E-mail:

privacy@commandalkon.com

Or write to:

Command Alkon Incorporated
Chief Privacy Officer c/o The Legal Department
1800 International Park Drive
Suite 400
Birmingham, Alabama 35243