

Website Privacy Policy

Effective Date: June 17, 2020

Commtrex Inc. (“**Commtrex**”) strongly believes in maintaining the privacy of nonpublic personal information we collect from individuals who visit our website at <http://www.commtrex.com> (collectively referred to herein as the “**Website**”). We want you to understand how and why we collect, use and disclose the personal information about you on our Website. This Website Privacy Policy (referred to herein as “**Privacy Policy**” or “**Policy**”) provides you with information concerning our practices and procedures as they relate specifically to information we collect at the Website. If you have additional questions or would like further information on this topic, please feel free to write to our Webmaster at webmaster@commtrex.com. We may update this Privacy Policy from time to time, so please check this Privacy Policy periodically for changes.

If you are a California resident, please review the Additional Information for California Residents section below, for additional information required by the California Consumer Privacy Act (“**CCPA**”).

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1. SCOPE

This Policy applies to our collection, use, and disclosure of personal information related to our Websites that link to or display this Privacy Policy and individuals that contact us, interact with us, or express interest in our products. Personal information includes any information that identifies, relates to, describes, or is reasonably capable of being associated with, or reasonably linked or linkable to a particular individual or household. This Privacy Policy does not apply to employees, job applicants, or non-employee workers.

Applicable Terms. Your use of our Website is subject to the respective terms of use (“**Terms**”), including <https://www.commtrex.com/static/legal/termsofuse.pdf>. The applicable Terms are incorporated by reference into this Privacy Policy, including their applicable limitations on liability and the resolution of disputes. By disclosing your personal information to us, you understand and agree that Commtrex may collect, use, and disclose your personal information in accordance with this Privacy Policy and the applicable Terms.

2. COLLECTION OF PERSONAL INFORMATION

The information we collect varies depending upon the circumstances and the services you use.

Sources of Personal Information

We may collect personal information directly from individuals, such as when an individual contacts us. We may also collect personal information from third parties, such as third-party customer service and support entities, social media sources, website analytics, and other third parties. In addition, we automatically collect personal information related to the use of our Website.

Information We Collect from You. We may collect personal information directly from you, including:

- **Account information:** to access and use certain features of our Website, you must register for an account by providing us with certain required information which may include your name, company name, phone number, name, age, birth date, address, and other information that we may collect with your consent or as permitted or required by law.
- **Payment information:** if you purchase products from us, we collect information related to your order which may include name, billing and shipping address, and payment details. We may work with external payment processors and fulfillment partners to process these payments.
- **Communications and support:** if you contact us by email, mail, phone, chat or otherwise regarding the Website, we collect and maintain a record of your contact details, communications and our responses. If you call us, we may also record calls and maintain logs and records of those calls.
- **Inquiries and requests:** we also collect personal information when you submit information to or request information from us or sign up for marketing and communications from us. The information we may collect includes your name, contact information, location, and other information.
- **Events, contests and promotions:** we may also run contests, sweepstakes or other promotions or participate in certain events (collectively, “**Events**”). If you choose to participate in an Event, we may ask you for personal information, including your name, age, contact information, or other information. Certain Events may be co-branded with one of our partners or run on an external website. In these instances, the collection of your personal information may occur directly or through an external website.
- **User content:** if you choose to engage in posting information related to railcar lease listings, lease requests, sale listings, buy requests, storage requests, transload requests, we may maintain records about the content you post, such as comments, reviews or questions, as well as date and time and other metadata associated with your user content. User content may also be viewable by other visitors and users of the services.

Information We Collect Automatically. We may collect personal information about how you use the Website (e.g. page views, using cookies and pixel tags), such as IP address, app identifier, advertising ID, browser type, device type, domain name, the website that led you to our Website, the website to which you go after leaving our Website, the dates and times you access our Website, and the links you click and your other activities within the Website. We may also use pixels in HTML emails to understand if individuals read the emails we send to them. (For more information, see the Cookies and Tracking

Information section below.) In addition, we may derive certain insights about you based on this and other personal information we have collected about you.

Information We Collect from Third Parties. We may also collect personal information about you from third parties. For example, we may collect information about how individuals interact with us or comment about Commtrex and our products and services through social media. Also, if you take advantage of a third party or affiliate offer through the Website, we may receive certain information from that third party about your interaction with them.

3. USE OF PERSONAL INFORMATION

We may use the personal information we collect for the following purposes:

- Analyzing and improving our Website, products and services: to better understand how users access and use our Website and other products and the services, for other research and analytical purposes, such as to evaluate and improve our business operations, develop new features, products, or services, and to otherwise improve our Website and user experiences.
- Communicating with you: to provide you with the information or services that you have requested; to communicate with you about your use of our Website, to respond to your inquiries, and for other customer service purposes; and to administer surveys and questionnaires, such as for market research or user satisfaction purposes.
- Personalizing content and experiences: to tailor content we send or display on the Websites in order to offer location customization and personalized help and instructions, and to otherwise personalize your experiences.
- Advertising, marketing and promotional purposes: to contact you about our products or services or send you newsletters, offers or other information we think may interest you; to administer promotions and contests; to reach you with more relevant ads; and to measure and improve our advertising and marketing campaigns.
- In support of our general business operations: relating to audits and assessments of our business operations, security controls, financial controls, compliance with legal obligation, and otherwise relating to the administration of our general business, accounting, record keeping and legal functions.
- Securing and protecting our assets and rights: to protect our business operations, secure our network and information technology, assets and services; to prevent and detect fraud, unauthorized activities, access and other misconduct; where we believe necessary to investigate, prevent or take action regarding suspected violations of our Terms and other agreements, as well as fraud, illegal activities and other situations involving potential threats to the rights or safety of any person or third party.
- Complying with legal obligations: to comply with the law or legal proceedings. For example, we may disclose information in response to subpoenas, court orders, and other lawful requests by regulators and law enforcement, including responding to national security or law enforcement disclosure requirements.

We may also use your personal information for other purposes, where you have consented.

Aggregate and de-identified information. We may also use aggregate and deidentified information for various research, development, product improvement, analytics and other purposes.

DISCLOSURE OF PERSONAL INFORMATION

We disclose personal information in order to provide and improve our products and services, reach users with more relevant information and offers, to make available third-party offers you may be interested in, and as otherwise set out below.

Affiliates, Vendors and Providers. We disclose personal information to our affiliate entities, to our vendors, and to others we work with to make certain services available to you. This includes:

- **Affiliates:** our affiliated companies, who may use this information in accordance with this Privacy Policy, including, for example, to contact you about with news, offers and other information about Commtrex products and services, to provide services to us, in support of the products and services we provide to you, and for research and record-keeping purposes.
- **Vendors and service providers:** our vendors, service providers, contractors, or agents who perform functions on our behalf, such as Website hosting and analytics, email deployment, contact management, marketing and advertising services, mailing house services, logs, seminars, and third-party content management companies, or other services that help us run our business. Some of our service providers and affiliates may be located outside of the United States.
- **Third-party providers:** some of the services we make available to you may be supported by third parties, who may collect and receive personal information about you as part of their provision of a particular feature, service or application, or in order to respond to a request you make via the services.

Other Users and Business Partners. We may make information – such as names, contact information and general business information – available to other users of our services and business partners. For example, we may share with a company the names and contact information of users who may be available to provide transloading or other related services to company. Similarly, we may share information through our digital storefront rail services directory. If you don't want your information to be shared by us, you can email us at info@commtrex.com.

Your Consent or Request. We may disclose your personal information to others in response to your request or with your consent:

- **Third-party offers:** if you click an offer or otherwise choose to take advantage of a third-party offer in the Website, we may share your personal information with that third party to facilitate your interaction. The use of your personal information by these third parties is subject to their respective privacy policies.
- **Consent:** we may make certain features or options available to you with your consent, such as usage-based insurance or other programs which allow you to share your driving information and information with third parties to see if you may qualify for discounts or other third-party offers.

Business and Operational Purposes. We may also disclose personal information in support of our business operations or legal obligations, including:

- **Business transactions:** as part of a merger, acquisition, investment, joint venture, asset sale, bankruptcy or similar business transaction. For example, if we or our affiliates are acquired by, merged with, or invested in by another company, or if all or part of our assets are transferred to another company as part of an asset sale, bankruptcy or insolvency proceeding, your personal information may be transferred to or disclosed to the other company. We may also share personal information with lenders, auditors, potential investors or acquirers, and third-party advisors, including attorneys

and consultants, in due diligence proceedings associated with actual or potential business transactions.

- **Legal compliance:** where we believe necessary to comply with the law or a legal obligation, including in response to court order, warrant, subpoena, regulatory or law enforcement demand, or other legal process.
- **To protect us and others:** when we believe it is appropriate to do so to investigate, prevent, or take action regarding illegal activity, suspected fraud, situations involving potential threats to the safety of any person, violations of our Terms, or as evidence in litigation in which we are involved.
- **Consent:** with your consent or as permitted or required by law.

Aggregate and De-Identified Information. We also may share aggregate, anonymized, or de-identified information about users with third parties for marketing, advertising, research or other purposes.

4. COOKIES AND TRACKING INFORMATION

We and our third-party providers use cookies, clear GIFs/pixel tags, JavaScript, local storage, log files, and other mechanisms to automatically collect and record information about your browsing activities and use of the Websites. We may combine this “usage data” with other personal information we collect about you. We use this usage data to understand how our products and services are used, track bugs and errors, provide and improve our Website, verify account credentials, allow logins, track sessions, prevent fraud, and protect our Website, as well as for targeted marketing and advertising, to personalize content and for analytics purposes.

Cookies. Cookies are alphanumeric identifiers that we transfer to your computer’s hard drive through your web browser for record-keeping purposes. Some cookies allow us to make it easier for you to navigate our Website, while others are used to enable a faster log-in process or to allow us to track your activities while using our Website. Most web browsers automatically accept cookies, but if you prefer, you can edit your browser options to block them in the future. The Help portion of the toolbar on most browsers will tell you how to prevent your computer from accepting new cookies, how to have the browser notify you when you receive a new cookie, or how to disable cookies altogether. Some of the services may not work properly if you disable cookies.

Pixel tags. Pixel tags are tiny graphics with a unique identifier, similar in function to cookies. In contrast to cookies, which are stored on your computer’s hard drive, clear GIFs are embedded invisibly on web pages. We may use pixel tags (also referred to as web beacons, web bugs or clear GIFs), in connection with our services to, among other things, help us manage ads and content, and compile statistics about usage of our services. We may also use pixel tags in HTML emails to our customers, to help us track email response rates, identify when our emails are viewed, and track whether our emails are forwarded.

5. THIRD-PARTY SITES AND SERVICES

Our services may link to other websites or online services (including those operated by our affiliates or others) that are not covered by this Privacy Policy. Any access to and use of such linked websites is not governed by this Privacy Policy, but instead is governed by the privacy policies of those third-party websites. We are not responsible for the information practices of such third-party websites.

6. SECURITY/DATA LOCATION

We have implemented safeguards to protect the information we collect from loss, misuse, and unauthorized access, disclosure, alteration, and destruction. Please be aware that despite our efforts, no data security measures can guarantee security. Personal information we collect or receive is generally transferred to and stored in the United States for the purposes outlined in this Privacy Policy; thus, depending on a user's location, a user's personal information may be transferred to and stored outside the user's country of residence and will be subject to access by law enforcement and regulatory authorities as authorized by the applicable laws of such jurisdictions.

7. RIGHTS AND CHOICES

In this section we describe the choices individuals have regarding our collection, use and handling of their personal information.

Access and Update Information. You may access and update certain of your personal information by accessing and adjusting your account settings. You may also contact us using the information in the [Contact Us](#) section below to make an access, correction, or other privacy request. Please note that we may maintain copies of information that you have updated, modified or deleted, in our business records and in the normal course of our business operations, as permitted or required by applicable law. Your access to or correction of your personal information is subject to applicable legal restrictions and the availability of such information. Further, we may take reasonable steps to verify your identity before granting such access or making corrections.

Marketing Communications. You may opt out of receiving marketing communications from us sending a written request to Commtrex at the following address: info@commtrex.com. You may also opt out of email marketing by using the unsubscribe link in any such email we send to you. Please note that marketing opt-out requests will only remove you from our direct marketing lists.

If you are a California resident, see the [Additional Information for California Residents](#) section below for information about your rights under California privacy laws.

8. CHILDREN

Our services are not targeted and directed at children under age 16 and we do not knowingly collect any personal information from a child under 16. If you believe we have inadvertently collected personal information about a child, please contact us using the information in the [Contact Us](#) section below and we will take steps to delete this information.

9. CONTACT US

If you have any questions about this Privacy Policy or our privacy practices, please contact us at:

Commtrex, Inc.
2245 Texas Drive, Suite #300
Sugar Land, TX 77479

In addition, you may contact us by emailing support@commtrex.com.

10. CHANGES TO THIS PRIVACY POLICY

This Privacy Policy is current as of the Effective Date set forth above. We may change this Privacy Policy from time to time, so please be sure to check back periodically. We will post any changes to this Privacy Policy on our Website. If we make any changes to this Privacy Policy that materially affect our practices with regard to the personal information we have previously collected from you, we will endeavor to provide you with notice in advance of such change by highlighting the change on our Website.

11. ADDITIONAL INFORMATION FOR CALIFORNIA RESIDENTS

In this section, we provide additional information to California residents about how we handle their personal information, as required under California privacy laws including the California Consumer Privacy Act (“CCPA”). This section does not address or apply to our handling of publicly available information lawfully made available by state or federal government records or other personal information that is exempt under the CCPA.

A. Categories of Personal Information About California Residents

Categories of Personal Information Collected. The table below identifies the categories of personal information (about California residents) that we have collected and disclosed to third parties for a business purpose.

- **Name, contact information and other identifiers:** such as a real name, alias, address, unique personal identifier, online identifier, IP address, email address, account name, SSN, or other similar identifiers.
- **Customer records:** paper and electronic customer records containing personal information, such as name, signature, address, telephone number, education, current employment, employment history, social security number, passport number, driver’s license or state identification card number, insurance policy number, bank account number, credit card number, debit card number, or any other financial or payment information, medical information, or health insurance information.
- **Commercial information:** including records of personal property, products or services purchased, obtained, or considered, or other purchasing or use histories or tendencies.
- **Internet or other electronic network activity information:** such as browsing history, clickstream data, search history, and information regarding a resident’s interaction with an internet website, application, or advertisement, including access logs and other usage data related to your use of any company Websites, applications or other online services, as well as the connected services.
- **Audio, video and other electronic data:** audio, electronic, visual, thermal, olfactory, or similar information such as, CCTV footage, photographs, and call recordings.
- **Employment information:** professional or employment-related information.
- **Inferences:** drawn from personal information to create a profile reflecting a resident’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, or aptitudes.

We collect the relevant categories of personal information from the sources described in the Collection of Personal Information section above, and we use and disclose such information for the purposes described in the Use of Personal information and Disclosure of Personal information sections above.

Categories of Personal Information Disclosed and Sold. The CCPA defines a “sale” as disclosing or making available personal information to a third party in exchange for monetary or other valuable consideration. The primary purpose of the Commtrex Exchange is to facilitate connections between buyers and sellers (or lessors and lessees) in the context a transport, shipping and related services. As part of this, we may disclose certain categories of personal information to users of our services and our business partners, including (i) name, contact information and other identifiers, and (ii) commercial information (such as the transportation services you are seeking or may be available to provide). If you don’t want your individual name and contact information to be shared by us, you can email us at info@commtrex.com.

B. California Residents’ Rights

CCPA Rights. In general, California residents have the following rights with respect to their personal information:

- **Do-not-sell (opt-out):** to opt-out of our sale of their personal information. We do not sell personal information about residents who we know are younger than 16 years old without opt-in consent.
- **Right of deletion:** to request deletion of their personal information that we have collected about them and to have such personal information deleted (without charge), subject to certain exceptions.
- **Right to know:** with respect to the personal information we have collected about them in the prior 12 months, to require that we disclose the following to them (up to twice per year and subject to certain exemptions):
 - categories of personal information collected;
 - categories of sources of personal information;
 - categories of personal information we have disclosed or shared with a third party for a business purpose;
 - categories of third parties to whom we have sold their personal information and for each the specific categories of personal information sold;
 - the business or commercial purposes for collecting or selling personal information; and
 - a copy of the specific pieces of personal information we have collected about them.
- **Right to non-discrimination:** the right not to be subject to discriminatory treatment for exercising their rights under the CCPA.

Submitting CCPA Requests. California residents may submit CCPA requests to us by emailing info@commtrex.com. Authorized agents may also submit requests on behalf of consumers using the online form above. We will respond to California residents’ requests as required by the CCPA. You must complete all required fields on our webform (or otherwise provide us with this information via the above toll-free number). We will take steps to verify your request by matching the information provided by you with the information we have in our records. If we are unable to adequately verify a request, we will notify the requestor. In some cases, we may request additional information in order to verify your request or where necessary to process your request.

Your Privacy Rights Under California Shine the Light Law. Under California’s “Shine the Light” law (Cal. Civ. Code § 1798.83), California residents who provide us certain personal information are entitled to

request and obtain from us, free of charge, information about the personal information (if any) we have shared with third parties for their own direct marketing use. Such requests may be made once per calendar year for information about any relevant third-party sharing in the prior calendar year. To submit a “Shine the Light” request, email us at info@commtrex.com, and include in your request a current California address and your attestation that you are a California resident.

For more information about our privacy practices, you may contact us as set forth in the [Contact Us](#) section above.