

# U.S. ENERGY PARTNERS LLC. Privacy Policy: Effective Date JUNE 30, 2018

U.S. Energy Partners LLC is an energy service company (“ESCO”) marketing electric supplies in New York State, and selling electric supplies to customers on the National Grid, NYSEG, and RGE systems. In serving our customers, and as part of the sales process, representatives of the company will communicate with customers and potential customers, and this communication will provide certain customer specific information. USEP does operate and control the website [www.usepelectric.com](http://www.usepelectric.com).

At USEP, your privacy is important to us. We are committed to maintaining the confidentiality, security and accuracy of your Personal Data (as defined in Section A below). USEP may collect information about you when you use the website, purchase our products and services, and through other interactions and communications you have with USEP employees and business partners (collectively "USEP"). In the process of crafting products and services to meet your needs, we may share or combine Personal Data among our business partners (as defined below) and use it consistent with this Policy. This Policy applies to information collected from our customers and used by USEP, and describes the information that we (or our trusted Third Party Providers) collect, how we use it and under what circumstances we share that information.

WHEN YOU PROVIDE ANY PERSONAL DATA BY ANY MEANS, YOUR INFORMATION WILL BE MANAGED IN ACCORDANCE WITH THIS POLICY.

## A. Information We Collect

We collect information:

- Directly from you when you provide it to us, including Personal Data;
- When you access or use our services;
- Automatically as you navigate through the website;
- From the utility after you have provided your POD ID or account number so that we can develop service alternatives for you; and
- From third parties or publicly available sources.

We collect the following types of information:

**1. Personal Data:** We collect Personal Data and certain data defined as Sensitive Data as part of the sales process.

a. **Personal Data ("PD"):** means any information that can be used to identify, locate, or contact an individual, including an employee, customer, or potential customer of Utility, including, without limitation: (1) first and last name; (2) home or other physical address; (3) telephone number; (4) email address or online identifier associated with an individual; (5) "Sensitive Data" as defined below; (6) and zip codes;

b. **Sensitive Data** is that subset of Personal Data, including Social Security number, passport number, driver's license number, Utility customer account number or similar identifier.

USEP does not ask for Sensitive Data from the customer.

**2. Non-Identifying Information:** We collect Customer Energy Usage Data and Website Use Information (each defined below and collectively, "**Non-Identifying Information**").

a. **Customer Energy Usage Data:** means measured energy usage that does not identify the customer to whom the energy usage information relates.

b. **Website Use Information:** means the information that becomes available to us when you visit or use our website. Like many companies, we utilize a Third Party Provider to host our website. We do not utilize "cookies" and other tracking technologies (such as web beacons, pixel tags, etc.) for our marketing efforts.

**3. Confidential Utility Information** means, collectively, aggregated and customer-specific information that Utility is: (a) required by the Public Service Commission to provide to ESCOs and (b) any other Utility-specific, aggregated, Personal Data, Sensitive Data, or Utility Data, or customer-specific data provided to the ESCO.

## **B. How We Use Information We Collect**

USEP uses the Personal Data, the Non-Identifying Information and the Confidential Utility Information it collects to:

- Provide the products and services you have chosen;
- Manage and develop our business and operations;
- Establish, manage and terminate business relations with you;

- Review the products and services that we provide to you;
- Obtain credit approval if necessary;
- Protect us against error, fraud, theft and damage to our goods and property;
- Conform with the requirements of the law or regulatory requirements or to comply with legal process served upon us;
- Protect our legal rights or property or other customers;
- Investigate, prevent or take action regarding 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 Site;
- Provide us with business analytics.

We may use Customer Energy Usage Data for customer support, system restoration, and research and development activities for new products and services, and other similar purposes.

We use Non-Identifying Information in a variety of ways, including understand customer needs and trends, to improve our products and services as well as marketing purposes. We may use Non-Personally Identifiable Information by itself or supplement the information we collect with information obtained from other sources, such as information that is publicly available or commercially available sources.

### **C. Confidentiality**

USEP will: (1) hold all Confidential Utility Information in strict confidence; except as otherwise expressly permitted by outlined herein; (2) not disclose Confidential Utility Information to any other person or entity (including but not limited to Third Party Representatives, or affiliates),(3) not Process Confidential Utility Information outside of the United States; (4) not Process Confidential Utility Information other than for the Services defined; (5) limit reproduction of Confidential Utility Information; (6) store Confidential Utility Information in a secure fashion at a secure location in the United States that is not accessible to any person or entity not authorized to receive the Confidential Utility Information under the provisions hereof; and (7) otherwise use at least the same degree of care to avoid publication or dissemination of the Confidential Utility Information as USEP employs (or would employ) with respect to its own confidential information that it does not (or would not) desire to have published or disseminated, but in no event less than reasonable care.

### **D. Sharing Your Information with Third Parties**

**1. Third Party Representatives:** Notwithstanding the provisions of Paragraph C above, we may disclose Confidential Utility Information to its Third Party Representatives who have a legitimate need to know or use such Confidential Utility Information for the sole and limited purposes of providing Services, provided that each such Third Party Representative first (a) is

advised by USEP of the sensitive and confidential nature of such Confidential Utility Information; (b) agrees to comply with the provisions of USEP's data security agreement with the utilities.

**2. Legal Necessity:** We may disclose any Personal Data or Non-Personally Identifiable Information about you or any person if we are required to do so by law, with respect to copyright and other intellectual property infringement claims, or if we believe that such action is necessary to: (1) fulfill a government request; (2) conform with the requirements of the law or legal process; (3) protect or defend our legal rights or property; or (4) in an emergency to protect the health and safety of our customers, potential customers, or the general public.

## **E. What Choices Do You Have About Our Use Of Your Information?**

Our goal is to provide you with simple and meaningful choices about how your information is used. If you are a customer, you have some choices in sharing Personal Data with USEP by your selections of our product and services.

**1. Accessing and Updating Your PD:** It is important that the PD USEP holds about you is accurate and current. As such, it is imperative that you keep us informed of changes to your PD. If you want to know what PD USEP holds about you or wish to change PD that is inaccurate or out of date, please contact us at [privacy@USEPelectric.com](mailto:privacy@USEPelectric.com)

**2. Commercial Electronic Communications from USEP.** You may unsubscribe from receiving future commercial email communications from us by clicking the "unsubscribe" link included at the bottom of any marketing emails we send, or by emailing us at [privacy@USEPelectric.com](mailto:privacy@USEPelectric.com).

## **F. Safeguarding Personal Data**

**Data Security:** USEP processes information on our servers located inside the United States. USEP has implemented physical, administrative, and technical safeguards and security measures we consider reasonable and appropriate to protect against the loss, misuse and alteration of the Personal Data under our control. However, no data transmission over the Internet or any wireless network can be guaranteed to be 100% secure; therefore, we cannot guarantee or warrant the security of any information you disclose or transmit to us online and you do so at your own risk. We are not responsible for the theft, destruction, or inadvertent disclosure of your Personal Data. In the unfortunate event that your information is compromised, we will notify you in the most expedient time reasonable under the circumstances. We may delay notification as necessary while we take measures to determine

the scope of the breach and restore reasonable integrity to our systems as well as for the legitimate needs of law enforcement. From time to time we evaluate new technology for protecting information, and when appropriate, we upgrade our information security systems.

**Data Retention:** USEP will retain, use, and store your Personal Data as necessary to comply with its business requirements and objectives, legal 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 Data for as long as it is useful.

**Phishing Emails:** We will only use your Personal Data 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 Data. 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 USEP or one of our affiliates, 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 Data, please visit the Federal Trade Commission's website at [www.ftc.gov](http://www.ftc.gov).

## **G. Additional Policies on Data Security**

1. USEP obtains informed consent from all customers from whom it requests data and that it will retain such consent for a period of at least two years. USEP agrees that upon a customer revocation of consent, USEP will no longer access said customer's information and that it will destroy any of said customer's information in its or its Representative's possession.

2. Compliance with Laws. USEP shall comply with all applicable privacy and security laws to which it is subject, including without limitation all applicable Data Protection Requirements and not, by act or omission, place Utility in violation of any privacy or security law known by USEP to be applicable to Utility.

3. USEP names Robert J. Kreppel as its Chief Privacy Officer. Any issue related to cyber security, the use or handling of Confidential Utility Information, or Personal Data can be directed to Mr. Kreppel at [Rkreppel@USEPelectric.com](mailto:Rkreppel@USEPelectric.com) or by calling 716-631-1518. If this

occurs outside of normal business hours, Mr. Kreppel can be reached by text or call at 716-572-5742.

## **H. Contacting Us**

To get more information about our Policy or if (1) you have questions or comments about our Policy; (2) wish to make corrections to any Personally Identifiable Information you have provided; (3) want to opt-out from receiving future commercial correspondence, including emails, from us or our affiliated companies; or (4) wish to withdraw your consent to sharing your Personal Data with others (or the Personal Data of others you voluntarily submitted to us), please contact us as follows:

### **By Email:**

[privacy@usepelectric.com](mailto:privacy@usepelectric.com)

### **By Mail:**

Privacy Officer  
U.S. Energy Partners LLC  
8205 Main Street Suite 11  
Buffalo, NY 14221

## **I. Revisions to this Privacy Policy**

USEP may from time to time make changes to this Policy to reflect changes in legal or regulatory obligations or changes in the manner in which we collect and use Personal Data. We will post any revised version of this Policy on our website. Any changes will be effective on the effective date stated in the revised Policy. If there are significant changes we may provide more prominent notice or obtain your consent as required by law. If you do not wish to accept the changes, you should cease using this Site. Your continued use of this Site after we have posted a revised Policy indicates your agreement to the revisions. This Policy as posted on this Site is the sole statement of our Privacy Policy with respect to this Site, and no summary, modification, restatement or other version thereof, or other privacy statement or policy, in any form, is valid unless we post a new or revised policy to this Site.

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

*This Policy was last updated on June 30, 2018*