



PowerPlan, Inc. Privacy Notice

Last Updated: April 18, 2024

Your privacy is important to us. Please read this Privacy Notice carefully to learn how we collect, use, share, and otherwise process information relating to individuals ("Personal Data"), and to learn about your rights and choices regarding your Personal Data. For information about state-specific privacy rights, including the rights of residents of California, Virginia, Colorado, Nevada, Utah, or Connecticut, please [click here](#).

PowerPlan, Inc. ("PowerPlan") is the controller of your Personal Data as described in this Privacy Notice, unless specified otherwise. This Privacy Notice applies to the collection and processing of Personal Data collected by us when you visit our branded websites that link to this Privacy Notice; use our products and services as an authorized user where we act as a controller of your Personal Data; visit our branded social media pages; visit our facilities; communicate with us (including emails, phone calls, texts or fax); or register for, attend or take part in our events, webinars, trade shows or contests.

1. Collection of Personal Data. We collect three types of Personal Data from you:

- *Information You Provide:* We collect and record any information that you provide to us directly, including any personal identifiers, professional or employment-related information, financial account information, commercial information, visual information, or internet activity information that you provide to us through this website or other medium.
- *Information We Collect Automatically:* We automatically collect and store information about your use of this website and our services. To do so, we may use cookie technology and other online identifiers to track your IP address, web browser, geolocation, or your activity on this site. For more information about cookies and other tracking technologies, please see our [Cookie Notice](#).
- *Other Information We Collect:* We may combine data from other sources with Personal Data we from you. These other sources may be from third parties or from publicly available sources. This may include information related to your employment, education, commercial interactions, and internet activity.

In some cases, the collection and processing (see [Section 3 below](#)) of Personal Data is required for you to receive certain products or services. Personal Data does not include information that is anonymized or aggregated such that you cannot be identified from it.

If you provide us or our service providers with any Personal Data relating to other individuals, you represent that you have the authority to do so and have obtained any necessary consent for the information to be used in accordance with this Privacy Notice. If you believe that your Personal Data has been provided to us improperly or want to exercise your rights relating to your Personal Data, please contact us by using the information in [Section 17 \(Contact Us\) below](#).

2. Types of Personal Data We Collect. We may collect the following types of Personal Data about you.

- a. identifiers (e.g., name, address, phone number, IP address);
- b. records about you (e.g., signatures, physical characters or descriptions of you, content, timing, and method of communications you have with us, an information you share or upload to our website, services, or other digital properties)
- c. financial and commercial information (e.g., credit card numbers, purchase history);
- d. internet or other online activity information;
- e. geolocation data (e.g., computer/device location);
- f. professional information;
- g. sensitive personal information, including the following:
 - i. Account log-in information.
 - ii. Content of mail, email, and text messages where we are not the intended recipient (such as messages that we host as a Controller but are not sent to us).
- h. inferences drawn from any of the above.

3. Processing Your Personal Data. Where required by law, we obtain your consent to use and process your Personal Data for these purposes. Otherwise, we rely on other legal bases to collect and process your Personal Data. We process your Personal Data for the following purposes:

- *Providing our services, products, and website access:* We process your Personal Data relating to your access of our services, website, and other digital properties (e.g., IP address, internet activity, account information, application log information, device location, signatures, information you share or upload, etc.) to ensure both you and we meet our obligations under the applicable contract, terms of use, or service agreement and to project future demand as well as improve our website and services; absent a contractual relationship, we process your Personal Data to further our legitimate interest in operating and improving our websites and services.



- **Internal business purposes:** We process your Personal Data to operate, maintain, and improve our services, products, and website, including customizing the content; maintaining internal business records, such as accounting, managing user accounts, document management and similar activities; enforcing our policies and rules; monitoring service usage, management reporting; auditing; and IT security and administration to meet our obligations to you to perform our contract with you, or, if no contract applies, to the extent it is necessary for our legitimate interest in operating our business in a secure and efficient manner.
- **Internal research and product improvement purposes:** We process your Personal Data to verify and maintain the quality or safety of our products or services; improve our products or services; design new products and services; evaluate the effectiveness of our advertising or marketing efforts; and debug and repair errors with our systems, networks, and equipment to perform our contract with you, or, if no contract applies, to the extent it is necessary for our legitimate interest in improving our products and services.
- **Securing our facilities, websites, and services:** We process your Personal Data (e.g., name, email address, IP address, account information, internet activity, application log information, device location, signatures, information you share or upload, etc.) as part of our efforts to maintain, monitor and secure our facilities, websites, services, and products. This may include aggregating data, verifying accounts, investigating suspicious activity, and enforcing our terms and policies to the extent necessary to further our legitimate interest in maintaining a safe and secure website, products, and services and in protecting our rights and the rights of others.
- **Responding to contact requests:** If you contact us electronically or by phone, we process your Personal Data (e.g., name, account information, government identifiers, device location, information you share or upload) to perform our contract with you, or, if no contract applies, to the extent it is necessary for our legitimate interest in responding to your inquiry and communicating with you. We may record and process communications for training, quality assurance, and administration purposes. If required under applicable law, we will obtain your prior consent or give you the option to object to a call being recorded.
- **Managing payments:** We may process your financial information and other Personal Data (e.g., name, account information, financial history) to verify financial information and to collect or make payments to the extent that doing so is required to fulfill our contract with you.
- **Marketing and Advertising:** We may process your Personal Data (e.g., name, business contact information, account information, purchase history, internet activity, user profile, device location, etc.) to advertise to you, conduct market research, and to provide other personalized content based upon your Personal Data to the extent it is necessary for our legitimate interest in advertising our websites, services, or products. Where legally required, we will obtain your consent before engaging in any marketing or advertising.
- **Complying with legal and safety obligations:** We process your Personal Data (e.g., name, business contact information, government identifiers, account information, payment history, internet history, device location, signatures, information you share or upload) when cooperating with public and government authorities, protecting our legal rights, conducting audits, and protecting against abuse of our services and products. Any such processing is based on our legitimate interest in protecting our legal rights or, when applicable, complying with a legal obligation to which we are subject.
- **In connection with a corporate transaction:** We may process your information if we sell or transfer all or a portion of our business or assets including through a sale in connection with bankruptcy and other forms of corporate change in furtherance of our legitimate interest in operating and transacting the business of the company.

In some cases, we may provide specific services or offerings subject to separate or supplemental privacy notices. In those cases, we will prominently inform you of those notices and provide in an easily accessible format.

4. Exclusions. This Privacy Notice does not apply to Personal Data that:

- we process on behalf of our customers in the role of processor or other service provider, such as when we allow customers to send electronic communications to others; or otherwise use, collect, share or process Personal Data via our online products and services. Our customers' privacy policies may be different from ours, and we are not responsible for those practices.
- we process about current or former employees, job applicants, and other individuals who interact with us for employment-related purposes.

5. Protecting Personal Data. We take commercially reasonable precautions to protect the Personal Data in our possession from loss, misuse, unauthorized access, disclosure, alteration, or destruction. While we follow generally accepted standards to protect Personal Data, no method of storage or transmission is 100% secure or error-free. Personal Data you send to or from the website or via e-mail may not be secure, and we encourage you to contact us about more secure ways to share sensitive information when necessary. Where you use passwords, ID numbers, or other special access features on this site, it is your responsibility to safeguard them and to log out of any accounts you access after your sessions.

6. Your Individual Rights. Depending on our relationship with you and where you may reside, you may have certain rights relating to your Personal Data based on applicable local data protection laws, including from individual US state privacy laws (e.g., California, Virginia, Colorado, and other states), Canadian privacy laws, and the EU/UK General Data Protection Regulation. Depending on the applicable laws these rights may include the right to:

- Request information about the categories of Personal Data we have collected about you, the categories of sources from which we collected the Personal Data, the purposes for collecting, sell or sharing the Personal Data, and to whom we have disclosed your Personal Data.
- Request and receive copies of your Personal Data that we hold;
- Request additional information about how we process your Personal Data;
- Correct inaccurate or incomplete Personal Data (taking into account our use of it);
- Request deletion of your Personal Data;



- Restrict or object to our processing of your Personal Data, including restricting the sale or sharing of your data or its use for cross-context behavioral marketing. Where we process Personal Data for direct marketing purposes (either by us or third parties) or for cross-context behavioral marketing, you may not have to provide a specific reason for such objection;
- Require us (if possible) to transfer your Personal Data to another controller (i.e., data portability);
- Limit the use or disclosure of your sensitive Personal Data;
- Restrict certain disclosures of your Personal Data to third parties;
- Not be subject to a decision based solely on automated processing, including profiling, which produces legal effects; and
- Withdraw your consent to the processing of your Personal Data (to the extent we base processing on consent and not on another lawful basis).

We will not discriminate against you, in any manner prohibited by applicable law, for exercising these rights. You may exercise these rights, to the extent applicable, by sending us an email at privacy@powerplan.com, writing to us at PowerPlan, Inc., 300 Galleria Parkway, Suite 2100, Atlanta, Georgia 30339, USA, ATTN: Privacy/General Counsel, or by calling our toll free number: 1-888-818-1733. We will respond to any such requests within 30 days of receipt.

If you are not happy with how PowerPlan handles your Personal Data and we cannot provide you with a satisfactory resolution to your request, you also have the right to lodge a complaint with a supervisory body for data protection in your jurisdiction. If you wish to pursue any of these rights, please contact us by using the information in [Section 17 \(Contact Us\) below](#).

7. Disclosing Personal Data to Third Parties. We do not sell or share Personal Data about you to unrelated companies for their independent use.

8. Disclosure of Personal Data. Although we have not "sold" Personal Data for money in the past 12 months, we engage in routine practices with our services products, and websites involving third parties that could be considered a "sale" or "sharing" as defined under California law. We do not knowingly sell or share any Personal Data of minors under the age of 16.

Below please find a chart detailing the categories of Personal Data we collected and with whom it was sold, shared, or disclosed for a business purpose in the past 12 months.

Categories of Personal Data We Collect	Categories of Third Parties With Whom We Disclose Personal Data for a Business Purpose	Categories of Third Parties to Whom Personal Data is Sold or Shared for Targeted Advertising
Identifiers (Section 2.a)	<ul style="list-style-type: none"> • Affiliates and subsidiaries • Service providers • Professional consultants • Vendors necessary to complete transactions you request 	<ul style="list-style-type: none"> • Third parties whose cookies and tracking tools we use as described in <i>Section 5 (Cookies and Tracking Technologies)</i>
Records about you (Section 2.b)	<ul style="list-style-type: none"> • Affiliates and subsidiaries • Service providers • Professional consultants • Vendors necessary to complete transactions you request 	<ul style="list-style-type: none"> • Third parties whose cookies and tracking tools we use as described in <i>Section 5 (Cookies and Tracking Technologies)</i>
Financial & Commercial information (Section 2.c)	<ul style="list-style-type: none"> • Affiliates and subsidiaries • Service providers • Professional consultants • Vendors necessary to complete transactions you request 	<ul style="list-style-type: none"> • Third parties whose cookies and tracking tools we use as described in <i>Section 5 (Cookies and Tracking Technologies)</i>
Internet or other electronic network activity (Section 2.d)	<ul style="list-style-type: none"> • Affiliates and subsidiaries • Service providers • Professional consultants • Vendors necessary to complete transactions you request 	<ul style="list-style-type: none"> • Third parties whose cookies and tracking tools we use as described in <i>Section 5 (Cookies and Tracking Technologies)</i>
Geolocation data (Section 2.e)	<ul style="list-style-type: none"> • Affiliates and subsidiaries • Service providers • Professional consultants • Vendors necessary to complete transactions you request 	<ul style="list-style-type: none"> • Third parties whose cookies and tracking tools we use as described in <i>Section 5 (Cookies and Tracking Technologies)</i>
Professional or employment-related information (Section 2.f)	<ul style="list-style-type: none"> • Affiliates and subsidiaries • Service providers • Professional consultants • Vendors necessary to complete transactions you request 	<ul style="list-style-type: none"> • Third parties whose cookies and tracking tools we use as described in <i>Section 5 (Cookies and Tracking Technologies)</i>
Sensitive personal information (Section 2.g)	<ul style="list-style-type: none"> • Affiliates and subsidiaries • Service providers • Professional consultants 	<ul style="list-style-type: none"> • Not sold or shared



	<ul style="list-style-type: none"> Vendors necessary to complete transactions you request 	
Inferences (Section 2.h)	<ul style="list-style-type: none"> Affiliates and subsidiaries Service providers Professional consultants Vendors necessary to complete transactions you request 	<ul style="list-style-type: none"> Third parties whose cookies and tracking tools we use as described in <i>Section 5 (Cookies and Tracking Technologies)</i>

Sensitive Personal Data: We only use Sensitive Personal Information for the following purposes: (i) performing services or providing goods reasonably expected by an average consumer; (ii) detecting security incidents; (iii) resisting malicious, deceptive, or illegal actions; (iv) ensuring the physical safety of individuals; (v) for short-term, transient use, including non-personalized advertising; (vi) performing or providing internal business services; (vii) verifying or maintaining the quality or safety of a service or device; or (viii) for purposes that do not infer characteristics about you.

9. Promotional and Marketing Policy. We may ask you to consent to being contacted by us for promotional and marketing purposes. However, you may opt-out of receiving promotional or marketing emails at any time by notifying us as a reply to any unwanted e-mail, by using the unsubscribe function in our newsletter, contacting us at marketing@powerplan.com, or by writing to us at PowerPlan, Inc., 300 Galleria Parkway, Suite 2100, Atlanta, Georgia 30339, USA, ATTN: Marketing. Requests to unsubscribe from PowerPlan e-mails may take 5 business days to process.

10. Cookies and Tracking Technologies. Please see our [Cookies and Tracking Technologies notification below](#).

11. Third-Party Websites. The website may contain links to other third-party sites. When you click on one of these links you are visiting a website operated by someone other than us and the operator of that website may have a different privacy policy. We are not responsible for their individual privacy practices, so we encourage you to investigate the privacy policies of such third-party operators.

12. Children. Our website is not intended for children under 16 years of age. No one under age 16 may provide any information to us through this website. We do not knowingly collect Personal Data from children under 16. If you are under 16, do not access, use, or provide any information on the website or on or through any of its features. If we learn we have collected or received Personal Data from a child under 16 without parental consent, we will delete that information. If you believe we might have any information from or about a child under 16, please contact us by sending us an email at privacy@powerplan.com or writing to us at PowerPlan, Inc., 300 Galleria Parkway, Suite 2100, Atlanta, Georgia 30339, USA, ATTN: Privacy/General Counsel.

13. Data Security. Although we maintain reasonable security safeguards, no security measures or communications over the Internet can be 100% secure, and we cannot guarantee the security of your information. While we work hard to protect data incidents, we have dedicated controls and procedures in place if such situations occur, along with procedures to make notifications to you and the relevant Supervisory Authority as appropriate.

14. Data Retention. Your Personal Data will be retained as long as necessary to fulfill the purposes we have outlined above unless we are required to do otherwise by applicable law. This includes retaining your Personal Data to provide you with the products or services you have requested and interact with you; maintain our business relationship with you; improve our business over time; ensure the ongoing legality, safety and security of our services and relationships; or otherwise in accordance with our internal retention procedures. Once you have terminated your relationship with us, we may retain your Personal Data in our systems and records in order to ensure adequate fulfillment of surviving provisions in terminated contracts or for other legitimate business purposes, such as to enable easier future user onboarding, demonstrate our business practices and contractual obligations, or provide you with information about our products and services in case of interest. If you would like to know more about the retention periods applicable to your Personal Data, you can contact us at privacy@powerplan.com.

15. International Transfers of Personal Data.

Data entered on our website are transferred to a server in the U.S. and stored there. Your data may be used and disclosed by the Company and its divisions, holding companies, subsidiaries and affiliates, or other entities outside of your country, including in countries that have a different standard of data protection than in your own country.

For individuals whose data is subject to the General Data Protection Regulation (GDPR) in either the EEA or the UK, we have taken steps to protect your privacy and fundamental rights when your Personal Data is transferred to the other countries, including the United States. For transfers to entities outside the EEA or UK, we make use of the European Commission’s Standard Contractual Clauses. For transfers to third parties, we make sure that the recipient is subject to a jurisdiction for which there is an adequacy decision of the European Commission or UK, as applicable, or that there are adequate safeguards such as Standard Contractual Clauses or Binding Corporate Rules in place.

16. Changes to this Privacy Notice. We may update this Privacy Notice at our discretion to reflect changes we deem necessary or to satisfy legal requirements. We will revise the date at the top of this Privacy Notice upon such updates.

17. Contact Us. We welcome comments and questions regarding this Privacy Notice. Any such questions should be directed via e-mail to privacy@powerplan.com. Additionally, you may make your request in writing to PowerPlan, Inc., 300 Galleria Parkway, Suite 2100, Atlanta, Georgia 30339, USA, ATTN: Privacy/General Counsel.

ADDITIONAL STATE-SPECIFIC PRIVACY RIGHTS

Provisions in the California Consumer Privacy Act (CCPA), Virginia Consumer Data Protection Act (VDCPA), Colorado Privacy Act (CPA), Utah Consumer Privacy Act (UCPA), Nevada Senate Bill 220, and Connecticut Data Privacy Act (CTDPA) and other state statutes require some or all the following disclosures. These disclosures supplement the [Privacy Notice above](#) and are effective as of the same date as the Privacy Notice.

Categories of Personal Data collected. The Personal Data that PowerPlan collects, or has collected from consumers in the twelve months prior to the effective date of this disclosure, fall into the following categories established by the California Consumer Privacy Act and listed in Section 2 above.



Sources from which we collect your Personal Data. We collect the categories of Personal Data listed above from the following types of sources: directly from consumers, data analytics companies, ad networks, social networks, internet service providers, service providers that help us to run our business, and data resellers such as data management platforms. We also collect Personal Data automatically via cookies, web beacons, and other tracking technologies when you use our websites, online services, or mobile apps.

Purposes for which we use your Personal Data. We use your Personal Data for the purposes listed in [Section 3 of the Privacy Notice above](#).

No selling or sharing of Personal Data. PowerPlan has not sold or shared any Personal Data of consumers, as those terms are defined under the California Consumer Privacy Act, in the 12 months prior to the effective date of this Disclosure.

California Shine the Light : If you are a California resident, you may opt out of sharing your Personal Data subject to California Civil Code §1798.83 (the "Shine the Light law") with third parties for those third parties' direct marketing purposes by privacy@powerplan.com.

California Eraser Law: Any California residents under the age of eighteen (18) who have posted content or information on our Digital Properties can request removal by contacting us at privacy@powerplan.com, detailing where the content or information is posted, and attesting that you posted it. We will make reasonable, good faith efforts to remove the post from prospective public view or anonymize it so the minor cannot be individually identified to the extent required by applicable law. This removal process cannot ensure complete or comprehensive removal. For instance, third parties may have republished or archived content that we do not control.

No Discrimination. PowerPlan will not discriminate against any consumer for exercising their rights under applicable state laws.

Virginia Consumer Data Protection Act Deidentified Data Disclosure. We may use deidentified data in some instances. To the extent we use deidentified data, we will either maintain this data without attempting to re-identify it or we will treat it as Personal Data subject to applicable law.

Quebec Data Protection Contact. Pursuant to the requirements of Bill 64 of the National Assembly of Quebec, you may contact our General Counsel at privacy@powerplan.com.

COOKIES AND TRACKING TECHNOLOGIES

Tracking technologies (e.g., cookies, tags, pixels, fingerprinting, web beacons) are used to store and/or share information about website visitors, their systems, and browsers. Information collected by cookies and tracking technologies varies depending on the technology used and can be of a personal nature (information that directly or indirectly identifies you) and of non-personal nature (information that does not directly or indirectly identify any single individual).

We use the following tracking technologies on our website:

Type of Technology	Description	Purposes
Cookies	It's a type of data from a website in the form of a text command stored within a web browser to remember information about you, such as language preference and login information, or to carry out the necessary communication transmissions (e.g. HTTP requests) to provide a service or application that you have requested.	<ul style="list-style-type: none"> Delivering security features to enhance protection against cyberattacks or abuse; Assisting you in navigation, providing essential functionalities related to our service, application, and website (e.g. displaying pages and visual elements); Assisting you in registration to our events, login, and your ability to provide feedback; Assessing your use of our products, services, or applications to provide us aggregated statistics (e.g. number of visits and pages you visited on our website); Assisting with our promotional and marketing efforts (including behavioral advertising).
Web Beacons	It's a small tag placed on a website resource (e.g., webpage) or in an email to track how the user interacts with the content. This interaction generates a "hit," counting your interaction with the HTML content. For example, if you click on one of our ads on the website, a web beacon will record that interaction.	<ul style="list-style-type: none"> Acquiring essential insights into the performance of the content; Evaluate the effectiveness of our marketing campaigns.
Web Tags or Tracking Pixels	It's a type of code (e.g. JavaScript code in a tag manager) or pixel (a small 1x1 transparent image) loaded into the web page to enable website features, like the web design components, or to track user's behavior across websites and devices. These are commonly associated with social media widgets such as a like button.	<ul style="list-style-type: none"> Loading necessary features in our website, such as fonts, webpage layout, videos, and photos; Analysis of user experience on our website; Providing a better experience individually to our customers by loading personalized and enhanced content.

These technologies typically fall into one of three categories:

- *Strictly Necessary technologies.* These technologies are required for the operation of our website, our products, and our services, and therefore cannot be turned off. You can set your browser or device to block or alert you about these cookies, but functionality may be impaired.
- *Analytical/Performance technologies.* When you have permitted, we collect statistical information about how our website and services are used. This includes the collection of information such as your IP address or other identifiers, browser information, and information about the content you view and interact with to record how you use the website, our products, and services. These analytics services help us count users, identify popular offerings, and track the demographics and interests of our users.
- *Targeting technologies.* When you have permitted, these technologies record your activity on our site or using our services including the pages you have visited and the links you have followed. We may use this information to make our content more relevant to you to measure the effectiveness of our marketing. We may also share this information with third parties for this purpose. These are also optional technologies, although if you do not allow these cookies, you will experience less targeted advertising.

Your Choices: Managing Your Preferences

When you first visit our website, you will be presented with a banner which offers you a choice about whether to accept or reject cookies or tracking technologies of different types, except for those cookies which are strictly necessary for a particular service.

If you wish, you can also choose how web browser cookies are handled by your device via your browser settings. Some devices allow you to control this through your device settings. If you choose not to receive cookies at any time, websites may not function properly, and certain services will not be provided. Each browser and each device are different, so check the settings menu of the browser or device to learn how to change your settings and cookie preferences.

You can find information on how to manage cookie settings on certain browsers via the following links:

- [Cookie settings in Chrome](#)
- [Cookie settings in Firefox](#)
- [Cookie settings in Internet Explorer](#)
- [Cookie settings in Safari](#)