



## CAROFFER, LLC

### PRIVACY POLICY

*Updated as of June 29, 2021*

#### Introduction

CarOffer, LLC (“**CarOffer**” or “**we**”) provides a real-time live bidding online auction service and related mobile and desktop applications and services for access to and use by Dealers and Authorized Users, and provides a platform for selling vehicles for access and use by consumers (collectively and including the services made available by CarOffer in connection therewith, the “**CarOffer Platform**”). We take your privacy seriously and invest significant effort in determining how your information is used in connection with the CarOffer Platform. As a result, we have prepared this Privacy Policy (this “**policy**”) to ensure you understand our practices for collecting, using, maintaining, protecting and disclosing that information.

For Dealers, this policy forms part of and is subject to the CarOffer, LLC Terms and Conditions of Services (the “**Terms**”). The Terms can be found at CarOffer’s website at <https://www.caroffer.com/terms>. For consumers, this policy forms part of and is subject to the CarOffer, LLC Offer Terms (the “**Offer Terms**”) that can be found at CarOffer’s website at [Offer Terms](#). To the extent there is any conflict between this policy and the Terms or the Offer Terms, applicable, the Terms or Offer Terms shall control. Capitalized terms used in this policy and not otherwise defined have the meanings given to them in the Terms or Offer Terms, as applicable.

This policy applies to information we collect in connection with the CarOffer Platform, including information you provide:

- on our website ([www.caroffer.com](http://www.caroffer.com)) and related pages;
- in e-mail, text and other electronic messages between you and us;
- through mobile and desktop applications you use or download in connection with the CarOffer Platform;
- when you interact with our advertising, applications, and/or vehicle purchase offers (“**Offers**”) on third-party websites and services, if this policy is referenced or a link to this policy is made available.

Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it. By accessing or using the CarOffer Platform, by providing information relating to or communicating with CarOffer regarding an Offer, or as otherwise set forth in the Terms or Offer Terms (as applicable), you are agreeing to this policy and our treatment of your information in accordance with this policy.

This policy may change from time to time. All changes are effective immediately when we post them and apply thereafter. We may also notify you about significant changes in the way we treat personal information by (i) for Dealers, sending a notice to the primary email address specified in your CarOffer Platform account or by placing a notice via the CarOffer Platform, (ii) for consumers, sending a notice to email address provided by you or by placing a notice where an Offer was made available. You are responsible for ensuring we have an up-to-date active and deliverable e-mail address for you, and for periodically visiting the CarOffer Platform and <https://www.caroffer.com/privacy> to check for any changes. Your continued use of the CarOffer Platform after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

#### Children Under the Age of 16

The CarOffer Platform, including our websites and mobile and desktop applications, are not intended for children under 16 years of age, and we do not knowingly solicit personal information from or market to children under the

age of 16. If we learn we have collected or received personal information from a child under 16 without verification of 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 at [info@caroffer.com](mailto:info@caroffer.com).

### **Information We Collect About You and How We Collect It**

We collect several types of information from and about users of the CarOffer Platform, including information:

- by which you may be personally identified, such as name, postal address, e-mail address and telephone number, driver's license number, photo, gender, date of birth, the last four digits of your social security number, bank name, and bank account and routing numbers ("**personal information**");
- regarding your physical location (if you have activated a mobile application with us and permitted your mobile device to transmit location data);
- that is about you but does not identify you individually;
- transferred from your dealer management system (DMS) and customer relationship management system; or
- about your internet connection, the equipment you use to access the CarOffer Platform and usage details.

We collect this information:

- directly from you when you provide it to us.
- automatically during your use of the CarOffer Platform. Information collected automatically may include usage details, IP addresses and information collected through cookies, web beacons and other tracking technologies.
- from third parties—for example, our service partners, affiliates, and third parties that present Offers on their platforms.

**Information We Collect Through Automatic Data Collection Technologies.** As you navigate through and interact with the CarOffer Platform, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions and patterns, including:

- details of your usage of the CarOffer Platform, including traffic data, location data, logs and other communication data and the resources that you access and use with the CarOffer Platform.
- information about your computer and internet connection, including your IP address, operating system and browser type.

We also may use these technologies to collect information about your online activities over time and across third-party websites or other online services (behavioral tracking).

The information we collect automatically may include personal information, or we may maintain it or associate it with personal information we collect in other ways or receive from third parties. It helps us to improve the CarOffer Platform and to deliver a better and more personalized service, including by enabling us to:

- estimate our audience size and usage patterns;
- store information about your preferences, allowing us to customize aspects of the CarOffer Platform according to your individual interests;

- speed up your searches;
- recognize you when you return.

**Cookies.** We also collect information from and about the devices you use to access the CarOffer Platform. This includes things like IP addresses, the type of browser and device you use, and identifiers associated with your devices. Your devices, depending on their settings, may also transmit location information to the CarOffer Platform. A cookie is a small amount of data, which often includes an anonymous unique identifier, and is sent to your browser from a website computer and stored on your computer's hard drive. Cookies are required to use the CarOffer Platform. We use cookies to record current session information. We may, from time to time, use similar technologies, including web beacons, pixel tags, flash objects, location tracking or third-party widgets for purposes of enhancing your web or mobile experience or for purposes of allowing you to share information on another platform, such as a social media platform. We generally use technologies like cookies to provide, improve, protect and promote the CarOffer Platform. You can set your browser to not accept cookies, but this may limit your ability to use CarOffer Platform.

**AuctionAccess® Number.** We may also collect your AuctionACCESS® number and use it to link your registration information with the information maintained by AutoTec, LLC in your AuctionACCESS® membership profile. To create an AuctionACCESS® profile and learn more about what types of information AutoTec, LLC collects about its members and discloses to CarOffer and other wholesale auction operators, please visit <https://www.auctionaccess.com>. AutoTec, LLC is not affiliated with CarOffer and collects information about its members under its separate privacy policy using processes that we do not control. Supplying registration information is voluntary; however if you do not supply the information necessary to register, you will not be able to use the CarOffer Platform.

### **Third-party Use of Cookies and Other Tracking Technologies**

Some content or applications on the CarOffer Platform are served by third parties, including service partners, content providers and application providers. These third parties may use cookies alone or in conjunction with web beacons or other tracking technologies to collect information about you when you use the CarOffer Platform. The information they collect may be associated with your personal information or they may collect information, including personal information, about your online activities over time and across different websites and other online services. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content.

We do not control these third parties' tracking technologies or how they may be used. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly.

### **How We Use Your Information**

We use information that we collect about you or that you provide to us, including any personal information, to:

- make Offers;
- process consumer vehicle purchase and sale transactions;
- provide our business to you, including providing the CarOffer Platform, establishing and maintaining your user account and providing customer support;
- fulfill any other purpose for which you provide it;
- carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection;
- perform data analysis, including market and consumer research, trend analysis, demographic analysis and financial analysis;

- notify you about changes to the CarOffer Platform or any other products or services we offer or provide;
- allow you to participate in interactive features on the CarOffer Platform;
- process your applications and related documents required to become an enrolled Dealer or Authorized User and to make decisions regarding enrollment and registration;
- verify, evaluate and/or monitor your creditworthiness;
- provide for payment processing;
- assist with the collection of any amounts owing by you to us or our service partners;
- contact you in response to any transactions, requests, complaints or comments you may have;
- contact you to provide you with information regarding our business or the CarOffer Platform;
- provide advertisements to you through the CarOffer Platform, including our website, email messages, mobile applications or other methods of communication;
- help us to develop, evaluate and improve our sales and marketing strategies and techniques;
- operate and improve the CarOffer Platform;
- provide third parties with information necessary to permit that third party to conduct business with us or effectively provide you with services in connection with the CarOffer Platform;
- assist us and third parties in evaluating the vehicle industry;
- respond to legal process and reasonable inquiries from regulatory or investigative authorities.
- fulfill any other purpose for which you provide it; and
- use it for or any other purpose with your consent.

We may also use your information to contact you about our own and third-parties' goods and services that may be of interest to you.

We may use the information we have collected from you to enable us to display advertisements to our advertisers' target audiences. Even though we do not disclose your personal information for these purposes without your consent, if you click on or otherwise interact with an advertisement, the advertiser may assume that you meet its target criteria.

### **Disclosure of Your Information**

We may disclose aggregated information about our users, and information that does not identify any individual, without restriction.

We may disclose personal information that we collect or you provide as described in this privacy policy to:

- our subsidiaries and affiliates.
- service providers, partners and other third parties we use to support our business and who are bound by obligations to keep personal information confidential and use it only for the purposes for which we disclose it to them.

- a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of CarOffer's assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which information held by CarOffer is among the assets transferred.
- fulfill the purpose for which you provide it.
- use it for any other purpose disclosed by us when you provide the information.
- with your consent.

We may also disclose your personal information:

- to comply with any court order, law or legal process, including to respond to any government or regulatory request.
- to enforce or apply the Terms, Offer Terms or terms of sale and other agreements, including for billing and collection purposes.
- if we believe disclosure is necessary or appropriate to protect the rights, property, or safety of CarOffer, our customers or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

### **Your California Privacy Rights**

**California Consumer Notices.** California Civil Code Section § 1798.83 permits users of the CarOffer Platform that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please send an e-mail to [info@caroffer.com](mailto:info@caroffer.com) or write us at: 15601 Dallas Parkway, 6<sup>th</sup> floor, Dallas, Texas 75001. **California Notice of Collection under California Consumer Privacy Act of 2018.** This CarOffer Privacy Notice for California Residents supplements the information contained in this policy and the rights mentioned below apply solely to visitors, users, and others who reside in the State of California. We share this notice of collection to comply with the California Consumer Privacy Act of 2018 (CCPA). Any terms defined in the CCPA have the same meaning when used in this Privacy Notice.

**Notice of Collection of Personal Information.** CarOffer collects personal information as described above under "Information We Collect About You and How We Collect It" for the business and commercial purposes described above under "How We Use Your Information."

**California Residents' Rights.** California law grants California residents certain rights as set forth below.

- **Do-Not-Sell.** In the preceding twelve 12 months, we have not sold personal information.
- **Verifiable Requests to Delete and to Know.** You have the right to request that we delete the personal information we have collected from you and to request to know certain information about our data practices in the preceding 12 months. In particular, you have the right to request the following from us:
  - The categories of personal information we have collected about you;
  - The categories of sources from which the personal information was collected;
  - The categories of personal information about you we disclosed for a business purpose or sold;
  - The categories of third parties to whom the personal information was disclosed for a business purpose or sold;
  - The business or commercial purpose for collecting or selling the personal information; and

- The specific pieces of personal information we have collected about you.

To exercise any of these rights, please submit a request by emailing us at [info@caroffer.com](mailto:info@caroffer.com). In the request, please specify what right you are seeking to exercise and the scope of the request. We will confirm receipt of your request within 10 days. We may require specific information from you to help us verify your identity and process your request. If we are unable to verify your identity, we may deny your requests to know or delete.

**Submitting Requests.** You may exercise your rights by emailing us at [info@caroffer.com](mailto:info@caroffer.com). We will respond to your Right to Know and Right to Delete requests within 45 days.

**Verification.** When you submit your request, we will take steps to attempt to verify your identity. We will seek to match the information in your request to the personal information we maintain about you. As part of our verification process, we may ask you to submit additional information, use identity verification services to assist us, or, if you have set up an account on our website, we may ask you to sign in to your account as part of our identity verification process. Please understand that, depending on the type of request you submit, to protect the privacy and security of your and other users' personal information, we will only complete your request when we are satisfied that we have verified your identity consistent with applicable law and regulations.

**Authorized Agent.** The CCPA allows California consumers to designate an authorized agent to exercise their rights under CCPA. You can designate an authorized agent to submit requests on your behalf. However, we will require written proof of the agent's permission to do so and verify your identity directly.

**Right to Non-Discrimination.** You have the right not to receive discriminatory treatment by us for the exercise of any your rights.

### **Additional Disclosures for Nevada Residents**

Nevada law requires each business to establish a designated request address where Nevada consumers may submit requests directing the business not to sell certain kinds of personal information that the business has collected or will collect about the consumer. A sale under Nevada law is the exchange of personal information for monetary consideration by the business to a third party for the third party to license or sell the personal information to other third parties. If you are a Nevada consumer and wish to submit a request relating to our compliance with Nevada law, please contact us as at [info@caroffer.com](mailto:info@caroffer.com).

### **Contact Information**

To ask questions or comment about this privacy policy and our privacy practices, contact us at: [info@caroffer.com](mailto:info@caroffer.com).