

# PRIVACY NOTICE

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PLEASE READ THIS POLICY CAREFULLY TO UNDERSTAND THE CITY OF LOVELAND'S ELECTRIC AND COMMUNICATIONS ENTERPRISE'S ("PULSE") POLICIES, PRACTICES, AND TREATMENT OF ITS WEBSITE ("SITE") USERS' ("USER" OR "USERS") INFORMATION. IF USER DOES NOT CONSENT AND AGREE TO THE TERMS OF PULSE'S WEBSITE PRIVACY AND TERMS OF USE AGREEMENT ("WEBSITE TERMS"), USER IS PROHIBITED FROM ACCESSING, VIEWING, OR USING ANY PART OF THE SITE. BY ACCESSING, VIEWING, OR USING ANY PART OF THE SITE, OR BY SUBMITTING USER'S INFORMATION THROUGH THE SITE, USER CONSENTS TO THE WEBSITE TERMS AND PULSE'S COLLECTION AND SHARING OF USER'S PERSONALLY IDENTIFIABLE INFORMATION ACCORDING TO THE WEBSITE TERMS.

Pulse is committed to protecting the privacy of its customers ("Customers") in accordance with applicable law. Accordingly, Pulse has adopted this privacy notice ("Privacy Notice") regarding all Pulse Internet, voice, video, and similar services (the "Service" or "Services"). This Privacy Notice describes Pulse's collection, use, disclosure and retention of information about Customers and others who use the Services, how Customers may review and correct errors to that information, and enforcement of Customer's rights regarding personal information.

## SERVICE MONITORING

Pulse has no obligation to monitor the Services, but may do so and disclose information regarding the use of the Services for any reason if Pulse, in its sole discretion, believes it is reasonable to do so, as set forth herein, including to satisfy laws, regulations, or courts orders, to operate the Services properly, or to protect itself and its Customers.

## COLLECTION OF SUBSCRIBER INFORMATION

Pulse collects information about its Customers as necessary in order to provide the Services and to detect unauthorized reception or use of the Services. In order to provide reliable, high-quality service, Pulse keeps regular business records containing information about its Customers, such as name, address, email address, telephone number, identifying information, financial information and other similar information. Pulse collects and maintains information about Customer accounts such as billing, payment and deposit history, maintenance and complaint information, and the Service options Customers have chosen. In addition, Pulse may combine information it collects as a part of its regular business records with personally identifiable information obtained from third parties for the purpose of creating an enhanced database to use in marketing and other activities. Pulse may maintain records of research concerning Customer satisfaction and viewing habits which may be obtained from interviews and questionnaires. When Pulse Customers use interactive or other transactional television Services (i.e., pay-per-view),



Pulse's system automatically collects information regarding use of such Services, including the programs Customers view or order.

Pulse may use this information to:

- Install, operate and maintain the Services
- Confirm Customers are receiving the level of Service requested and are properly billed for the Service
- Identify then notify Customer when changes are made to their account
- Inform Customers of new products or services that may be of interest
- Detect unauthorized reception of the Service
- Determine whether applicable policies or the Terms and Conditions are being violated
- Configure Service-related devices and equipment
- Comply with applicable law
- As otherwise necessary, to provide the Services or otherwise conduct business related to the Services

Except as otherwise provided in this Privacy Notice, Pulse's Acceptable Use Policy, and the Terms and Conditions, Pulse does not assume any responsibility, control, oversight, ownership or other interest in the email messages, websites, specific Internet usage history, voicemail, content or other electronic data of its Customers; provided that, Pulse is permitted to use such information as necessary for Pulse to bill Customers and to provide the Services Even if such electronic information is stored in, contained on, or transmitted over property, equipment, or facilities of Pulse, Pulse shall not have any responsibility, control, oversight, ownership, or other interest in such information, provided that, Pulse may delete such information as provided in policies that are applicable to the Service. Customers are and shall remain solely responsible for such electronic information.

## **INTERNET AND PHONE PRIVACY**

Pulse does not use, share, or sell a Customer's email messages, specific Internet usage history, call history, voicemail, or other electronic data generated from a Customer's Internet and phone Services. Pulse does not manage or monitor a Customer's actions with respect to such Customer's Internet and phone activities, but Pulse may manage or monitor the Internet and phone Services in order to provide support to Customers, optimize such Services, comply with the law, and meet its obligations with respect to such Services.

## **DISCLOSURE OF INFORMATION**

Personally identifiable information will only be disclosed for legitimate business activities related to the Services including, but not limited to:

- Billing and collections
- Account administration



- Surveys
- Marketing
- Maintenance
- Fraud prevention
- Compliance with applicable laws and regulations

If necessary to render the Services or to conduct a legitimate business activity related to the Services, Pulse will sometimes disclose Customers' personally identifiable information to others, such as outside auditors, professional advisors, service providers, potential business partners, regulators, and franchise authorities, with or without Customers' written consent.

Although Pulse makes every reasonable effort to preserve Customers' privacy, Pulse will cooperate with law enforcement, including, without limitation, under subpoena, court order, or search warrant. As a governmental entity, Pulse may also be required by state and federal law to disclose personally identifiable information about Customers that is contained in Pulse's business records as directed by state or federal law without Customer consent. In emergencies, or to enforce its rights in court or elsewhere, Pulse may use or disclose Customer's personally identifiable information without consent in order to protect such Customers, employees, or property. Pulse reserves the right to compile and share with third parties usage information in aggregated formats, such as ratings surveys and other statistical reports, so long as such information does not personally identify Customers, their particular Service use habits, or the nature of any transaction an individual Customer may have made using Pulse Services.

## **SECURITY**

Pulse takes reasonable security precautions to protect personally identifiable information that Pulse collects when Customers use the Services from unauthorized access, use, and disclosure. However, Pulse cannot guarantee that its security precautions will prevent every unauthorized attempt to access, use, or disclose personally identifiable information.

## **MARKETING**

From time to time, a Customer's name and address might be disclosed for mailing lists in connection with the promotion of Pulse products and Services and other legitimate business activities, subject to the customer proprietary network information ("CPNI") policies discussed below. If a Customer wishes to remove their name from such lists or limit the use of their name and address at any time, please contact Pulse in person, in writing, or by telephone at (970) 541-4990. Customers' opt-out preferences apply to marketing communications only and Pulse may still send you important Service-related messages as a Customer of the Service. Customers may not opt out of these Service-related and transactional communications.

## **RETENTION OF INFORMATION**

Pulse's maintenance of personally identifiable information collected during the time Customers have contracted with Pulse for Service will be in accordance with the City of Loveland and Pulse's document



retention policy. Pulse destroys collected information consistent with the requirements of applicable law and City of Loveland and Pulse's document retention policy when the purpose for such information has been accomplished and Pulse no longer needs to retain the information for compliance with law, reporting, or other legitimate business activities.

## **RIGHT TO REVIEW AND CORRECT INFORMATION**

Upon reasonable notice and during regular business hours, a Customer may examine and copy (at their cost) any information Pulse creates relating to Customer at the City of Loveland Civic Center located at 2695 W Eisenhower Blvd, Suite 200, Loveland, CO 80537. To inspect such records, please contact Pulse by mail at the above address or by telephone at 970-541-4990, giving Pulse a reasonable period of time to locate and, if necessary, prepare the information for review, and to arrange an appointment during regular business hours. Customer will only be permitted to examine records that contain information about Customer and no one else.

## **SPECIAL NOTICE CONCERNING CUSTOMER PROPRIETARY NETWORK INFORMATION**

In addition to the provisions of this Privacy Notice, federal law applies specific protections Customer information shared with Pulse in connection with Pulse Digital Voice Service. These rights are in addition to the existing safeguards that Pulse already has in place to protect Customer's privacy rights. The Federal Communications Commission requires Pulse to notify Customers of their right to restrict the use of their CPNI.

### ***What is CPNI?***

CPNI is personally identifiable information that a telecommunications carrier collects when providing phone services to a customer. CPNI typically consists of the type of telephone Service, telephone numbers Customer has called, call duration and timing of those calls, as well as call frequency and any call management services Customer uses.

### ***Permitted Use of CPNI by Pulse Without Your Permission***

Pulse may use CPNI for certain purposes without Customer's permission, including certain marketing. Pulse may also use CPNI to respond to Customer's inquiries regarding Services they currently use or related services offered. In addition, Pulse may use CPNI for billing and collections, repair and maintenance, to protect Pulse property, and to prevent fraud.

### ***Additional Information Regarding Customer's CPNI Rights***

Customer has the right to grant, deny, or withdraw Pulse's access, or any other entity's access, to Customer's CPNI at any time or to instruct Pulse to disclose CPNI to unaffiliated third parties by written request. Any approval or denial of the use of CPNI is valid until Pulse affirmatively revokes or limits such approval or denial. Denying access to CPNI will not affect Customer's rights, access to Services, or Pulse's obligations to Customer.



## CHANGES TO PRIVACY NOTICE

Pulse reserves the right to modify this Privacy Notice at any time. Pulse will notify Customers of any material changes via written, electronic, or other means permitted by law. Customer has the right to cancel their Services in accordance with Pulse's Terms and Conditions if they find such changes unacceptable. However, if Customer continues to use the Services after receiving notice of such changes, such use constitutes acceptance of the changes.