

## FourKites Privacy Notice

### Last Updated: April 24, 2024

This Notice has been updated to reflect the acquisition by FourKites' acquisition of NIC GmbH, to ensure global expansion is addressed appropriately and to include information on the approved EU-US Data Privacy Framework.

At **FourKites, Inc.**, including its affiliates (hereafter "**FourKites**", "**we**", "**us**", or "**our**"), your privacy is of great importance. This FourKites Privacy Notice ("**Notice**") describes our privacy practices. It describes how we collect, share and use information that can identify you directly or indirectly ("**personal information**"), and how you can exercise your privacy rights wherever you are located. If you are unable to access this Notice due to a disability or any physical or mental impairment, please contact us using the contact details in [section 1](#) and we will arrange to supply you with the information you need in an alternative format that you can access. You can also access a printable version of this Notice here.

Please read this Notice carefully to learn about personal information that we collect about you and how we use, protect and disclose your personal information when you interact with:

- The FourKites **Platform** (including FourKites® Visibility Cloud, Dynamic Yard®, Dynamic Ocean™, NIC-Place (also known as "Fleet Command Center"), and FourKites Connect (formerly Partner Hub) and its accompanying mobile applications) (the "**Platform**");
  - The FourKites **Websites** ([www.fourkites.com](http://www.fourkites.com), [www.nic-place.com](http://www.nic-place.com)) (the "**Website**");
  - The FourKites **Community** (for [customers](#) and for [carriers](#)) (the "**Community**");
  - The **CarrierLink**® mobile application ("**CarrierLink**");
- collectively our "**Services**"; and
- FourKites in any other instances where we collect and process information about you, online or offline.

### 1. FourKites

FourKites is the world's leading supply chain intelligence platform, delivering real-time visibility and execution for 1200+ companies and third-party logistics firms across 200 countries. Using a patented artificial intelligence to calculate shipment arrival times, FourKites enables customers to lower operating costs, improve on-time performance, and strengthen end-customer relationships.

To ask questions, comment or provide feedback about this Notice and our privacy practices, contact us at: [privacy@fourkites.com](mailto:privacy@fourkites.com).

**EU Representative.** If you are located in the EEA, you can contact FourKites' EU Representative, FourKites B.V., at Schiphol Boulevard 175, 1118 BG in Schiphol, the Netherlands.

**UK Representative.** If you are located in the UK, you can contact FourKites' UK Representative Lionheart Squared Limited at [FourKites@LionheartSquared.co.uk](mailto:FourKites@LionheartSquared.co.uk), or at Lionheart Squared Limited, 17 Glasshouse Studios, Fryern Court Road, Fordingbridge, Hampshire, SP6 1QX, United Kingdom.

### 2. FourKites as a Data Controller

This Notice applies to personal information in situations where we decide how and why your personal information is to be processed (or to use the European, Swiss and Brazil terminology, where we act as a **data controller**). This Notice **does not apply** where we are acting merely as a service provider to another

organization who decides how and why we process your personal information (or to use the European, Swiss and Brazil terminology, where we act as a **data processor**).

Furthermore, this Notice does not apply to personal information that you provide to, or is collected by, any third party (see [Third-Party Information Processing](#) section below). These third parties have their own privacy notices which we encourage you to read.

### 3. Who we collect information from

While we are a business-to-business company we process personal information of various categories of individuals in order to function and to maintain relationships with these individuals. We process the personal information of the following individuals:

- Platform Users
- (Website) Visitors
- Community Users
- CarrierLink Users
- Employees, contractors, and applicants
- Other individuals we connect with professionally

### 4. Information Collected in General

In the course of our business activities and providing our Services, we process personal information that you provide directly or indirectly to us when using our Services or interacting with us in any other situation, including:

- **Identification information**, such as your name, online identifier, signature in case of contracting, login credentials, IP address;
- **Contact information**, such as your email address, phone number, work address, business card,
- **Professional information**, such as your job title/position, employer;
- **Usage information**, such as geolocation, traffic data, logs, error and crash reports, and other communication data and the resources that you access and use through our Services and how you use them, including session time and navigation journey;
- **Location information** (only when you enable location sharing on your device while using CarrierLink),
- **Device information**, such as device's hardware model, operating system version, unique device identifiers, browser type and mobile network information; and
- **Other information** you choose to provide to us, for example the purpose of your visit when you visit our office, your photo when you update your profile in our Community, or any other information when using our contact forms.

### 5. Information Collected and the Purposes per Category

#### 5.1. Privacy for Platform Users

This section applies to personal information that we collect and process related to individuals who access the Platform ("**Platform Users**"). In this section "**you**" and "**your**" refers to Platform Users.

The Platform provides real-time visibility and predictive analytics and insights to enable our customers (primarily shippers, third party logistics providers, brokers and carriers) in the shipping industry to plan and track loads over the road, by train, by ocean and by air; manage operations at a shipping or warehouse facility including managing and scheduling appointments and managing gate check-in and check-out, dock scheduling and yard operations; manage rates, carrier bookings and document collaboration; create visualizations and analysis tools to identify trends in the supply chain and at

facilities and measure impact in real-time and over time; create a network and allow people to communicate with others participating in the trucking and/or shipping industry; and provide customer support.

Where we provide the Platform, we primarily act as a processor on behalf of our customers, however we do process some of your information for our own purposes. The following information applies only to our role as a data controller.

#### **A. Information we collect about Platform Users**

**Information you provide directly to us when using the Platform:** There are various areas within the Platform where you may provide personal information directly to us when signing up to our Platform or when using the Platform. This personal information may include:

- your name, postal address, email address, telephone number, mobile telephone number, or any other identifier by which you may be contacted online or offline;
- your username, password or other credentials you use to access and use the Platform; and
- your work title, department information, role and other information related to your work or employer.

**Information we receive from you indirectly through other Platform Users:** In order to provide our Services to our Platform Users, they may provide personal information about you (e.g., as their carrier or telematics provider). This includes your name and contact information in order to facilitate sending emails on their behalf to you to invite you to join the FourKites network or onboard you onto the Platform so that freight you carry can be tracked through the Platform. Where a Platform User provides us with your personal information, we presume that the Platform User is authorized to provide your information and has provided you with relevant privacy information.

**Information we may collect automatically through the Platform:** When you download, access, and/or use the Platform, we use technology to automatically collect usage and device information as detailed in [section 4](#). In some countries, including countries in the European Economic Area, the UK and in Switzerland, Australia, Brazil, Canada, and New Zealand, this information may be considered personal information under the law. We may collect this information as part of log files as well as through the use of cookies or other tracking technologies. Our use of cookies and other tracking technologies is discussed more below, and in more detail in our [Cookie Notice](#).

#### **B. How We Use Platform Users' Information**

We use the personal information that we collect about you or that you or other Platform Users provide to us for the following business and commercial purposes:

- Provide, operate, optimize, manage, maintain and improve the Platform, including customizing and improving the content, navigation and layout, system (user) administration and ensuring the functionality and security.
- Contact you about onboarding carriers and collecting your telematics and/or other location data to the Platform.
- Respond to, or follow up on, your comments and questions, and otherwise provide customer service or provide you with any other information that you request from us.
- Notify you when updates are available and of changes to the Platform.
- Give you notices about your account or subscriptions, including expiration or renewal notices.

- Track Platform usage and performance to better serve our customers and improve user experience, including by monitoring usage patterns, storing information about your preferences, allowing us to customize our Platform according to your individual settings and recognize you when you use the Platform.
- Send you marketing communications about our Services and events, including via email and in-app notifications, in accordance with your marketing preferences.
- Enforce our rights arising from any contracts entered into between you or your company and us, including agreements for subscriptions to the Platform, and for billing and collection.
- Protect our rights, property, or safety of FourKites, our customers, or others or to enable us to take precautions against liability.
- Monitor the Platform for security purposes to ensure we protect the Platform against hacking, viruses, inappropriate use of our software, or other misconduct.
- Comply with laws and regulations, under judicial authorization.
- Share loads in your Network when you opted-in for this functionality.

In addition, we anonymize and/or aggregate personal information that we collect about you or that you or other Platform Users provide to us to prepare reports, studies, analyses; maintain and improve the performance or functionality of the Platform; demonstrate the effectiveness of the Platform, and develop new features, products, and other work product.

**Network Collaboration.** Some features of the Platform may enable participants in the shipping and/or trucking industry and/or other companies with which we work to communicate and share data, including shippers, carriers, beneficial cargo owners, third-party logistic providers, system integrators and device manufacturers ("**Network**"). In order for us to make these features available within the Platform, it is necessary for us to share your personal information with these parties. These parties are not allowed to use personally identifiable information except for the purpose of making such features available through the Platform. There is a functionality within the Platform to restrict sharing (e.g., you can control carrier connections sent to you via FourKites Connect) or disable features of the Platform that may automatically collect your personal information (e.g., you may disable location access from your mobile device for the Platform).

## **5.2. Privacy for (Website) Visitors**

This section applies to personal information that we collect and process about individuals who visit the Website or interact with FourKites online or offline, such as in connection with our events, sales and marketing activities ("**Visitors**"). In this section "**you**" and "**your**" refers to Visitors.

### **A. Information We Collect about Visitors**

#### **Information you provide directly to us when using the Website or interact with us online or offline:**

Certain parts of our Website will ask you to provide personal information. For example, we will ask you to provide certain personal information (such as your name, contact details, company name, profile information) in order to find out more about FourKites or the Services, or otherwise submit inquiries or contact us. We will also collect personal information, such as your contact and job details and feedback, when you visit our office, attend our events, take part in surveys, register to receive a gift from our swag store or through other business or marketing interactions we may have with you for the purposes outlined below. You may choose to provide additional information when you communicate with us or otherwise interact with us.

The personal information that you are asked to provide, and the reasons why we want it, will be made clear to you at the point we ask you to provide it. We will also let you know prior to collection whether the provision of the personal information we are collecting is compulsory or may be provided on a voluntary basis and the consequences, if any, of not providing the information.

**Information we may collect automatically through the Website:** When you visit our Website, we may also collect certain information automatically from your device. In some countries, including countries in the European Economic Area and in the UK, Switzerland, Canada, and Brazil, this information may be considered personal information under the law.

Specifically, the information we may collect automatically includes your IP address, your operating system, your browser ID, your browsing activity, and other information about your system and connection and how you interact with our Website. We may collect this information as a part of log files as well as through the use of cookies or other tracking technologies when you provide consent for such performance or tracking cookies. Our use of cookies and other tracking technologies is discussed more below, and in more detail in our [Cookie Notice](#).

## **B. How we use Personal Information about (Website) Visitors**

We use the personal information we collect through our Website or other online/offline instances for the following business and commercial purposes:

- Provide, operate, optimize, manage and maintain the Website, including customizing and improving the content, navigation and layout, system administration and security.
- Send you information about FourKites and its services/products for marketing purposes, in accordance with your marketing preferences.
- Respond to your online inquiries and requests, and to provide you with information and access to resources about the Services that you have requested from us.
- Identify any server, network or other IT issues.
- Compile aggregated statistics about usage and to better understand the preferences of our Visitors.
- Carry out research and development to improve the Website.
- For the specific purposes stated on any forms on the Website.
- Management of our visitor log when visiting our offices or events.
- To create content for promotion materials, in accordance with necessary authorizations (e.g., photos and video footage may be taken to document and promote our events, business and activities).
- Enforce our rights arising from any contracts entered into between you and your company and FourKites.
- Protect our rights, property, or safety of FourKites, our customers, or others or to enable us to take precautions against liability.
- Monitor our Website for security purposes to ensure we protect FourKites against hacking, viruses, or other unauthorized access.
- Comply with laws and regulations, under judicial authorization.

### 5.3. Privacy for Community Users

This section applies to personal information that we collect and process related to individuals who use our Community ("**Community Users**"). In this section "**you**" and "**your**" refers to Community Users.

The Community enables its users to connect with one another and create connection groups and/or to post, submit, publish, display, or transmit to other Community Users or to us comments, content, feedback, or materials. The Community also enables its users to take part in online learning modules and earn certifications.

#### A. Information We Collect about Community Users

**Information you provide directly to us when using the Community:** Certain parts of our Community Site may ask you to provide personal information voluntarily. For example, we ask you to provide certain personal information (such as your first name, contact details, company name, profile information) in order to access the Community Site, take part in our learning modules or otherwise make contact with us. You can choose to provide additional information when you communicate with us or other Community Users, such as feedback, or add a profile photo.

The personal information that you are asked to provide, and the reasons why you are asked to provide it, will be made clear to you at the point we ask you to provide it.

**Information we may collect automatically through the Community:** When you visit our Community, we may also collect certain information automatically from your device. In some countries, including countries in the European Economic Area and in the UK, Switzerland, Canada, and Brazil, this information may be considered personal information under the law.

Specifically, the information we collect automatically may include your IP address, your operating system, your browser ID, your browsing activity, and other information about your system and connection and how you interact with our Community and other websites. We may collect this information as a part of log files as well as through the use of cookies or other tracking technologies. Our use of cookies and other tracking technologies is discussed more below, and in more detail in our [Cookie Notice](#).

#### B. How we use your personal information

We use the information we collect through our Community for a range of reasons, including the following business and commercial purposes:

- Provide, operate, optimize, manage, maintain and improve the Community and the learning modules, including customizing and improving the content, navigation and layout, system administration and security.
- Respond to your online inquiries and requests, and to provide you with information and access to resources about the Services that you have requested from us.
- Identify any server, network or other IT issues.
- Compile aggregated statistics about usage and to better understand the preferences of Community Users.
- Carry out research and development to improve the Community Site.
- Notify you when updates are available and of changes to our Community.

- Enforce our rights arising from any contracts entered into between you and your company and us.
- Monitor our Community to ensure usage is in compliance with the [FourKites Community Code of Conduct](#).
- Protect our rights, property, or safety of FourKites, our customers, or others or to enable us to take precautions against liability.
- Monitor our Community for security purposes to ensure we protect FourKites against hacking, viruses, or other unauthorized access.
- Comply with laws and regulations, under judicial authorization.

#### **5.4. Privacy for CarrierLink Users**

This section applies to personal information that we collect and process related to individuals who use CarrierLink such as drivers and other consumers ("**CarrierLink Users**"). In this section "**you**" and "**your**" refers to CarrierLink Users.

CarrierLink provides you with the ability to provide information about a load assigned to you by a customer of the FourKites platform (an "**Assigned Load**") which information is integrated into the Platform to enable our customers to plan and track their freight and communicate with you and others. CarrierLink enables you to:

- Provide your truck's location and notes on an Assigned Load;
- Send messages directly to the shipper or the receiver's facility to provide information on status of the Assigned Load;
- Check-in and check-out of the shipper or receiver's facility (including, without limitation, complete and submit forms required by the facility, schedule appointments with the facility and receive instructions as to the dock assigned to you to load or unload the freight); and
- Facilitate the signature of various documents for the Assigned Load provided by the shipper and/or receiver such as bill of lading and proof of delivery ("**e-Documents**").

In addition, CarrierLink also provides you with the ability to (a) view, rate and review shipping and warehouse facilities; (b) use turn-by-turn navigation; and (c) explore nearby places such as gas stations and truck stops.

#### **A. Information We Collect about CarrierLink Users**

**Information you provide directly to us when using CarrierLink:** When you use CarrierLink, we ask you to provide personal information. For example, when you sign into CarrierLink we will ask you for your name, mobile number and verification code in order to facilitate your access to certain features of CarrierLink. You may also provide us with personal information, such as your name, mobile number and email address to set up a profile, when you rate and review shipping or warehouse facilities and amenities or when you request user support. You may also provide your signature or name when signing e-Documents. The personal information that you are asked to provide, and the reasons why you are asked to provide it, will be made clear to you at the point we ask you to provide your personal information.

**Information we may collect automatically through CarrierLink:** When you use CarrierLink, we may also collect certain information automatically from your device such as usage details and device information as detailed in [section 4](#). In some countries, including countries in the European Economic Area and in the

UK, Switzerland, Canada, and Brazil, this information may be considered personal information under the law.

**Location Information:** If you enable location sharing on your device, FourKites collects real-time information about the location of your device only when CarrierLink is open and running in the foreground or background of your device to provide the Services you request, such as real-time navigation. This includes your actual location as determined by GPS signals sent by your mobile device or other tracking technologies to determine location, some of which may be made available through third-party licensors. Our use of tracking technologies is discussed more below, and in more detail in our [Cookie Notice](#).

In addition, we anonymize and/or aggregate personal information that we collect about you or that you provide to us to prepare reports, studies, analyses; maintain and improve the performance or functionality of CarrierLink and the Platform; demonstrate the effectiveness of CarrierLink and the Platform, and develop new features, products, and services.

## **B. How we use personal information of CarrierLink Users**

We use the information we collect through CarrierLink for a range of reasons, including the following business and commercial purposes:

- Provide, operate, optimize, manage, maintain and improve the Platform and CarrierLink, including customizing and improving the content, navigation and layout, system administration and ensuring the functionality and security.
- Share Assigned Loads information on the Platform.
- Collect ratings and reviews of shipping or warehouse facilities and amenities.
- Respond to, or follow up on, your comments and questions, and otherwise provide customer service or provide you with any other information that you request from us.
- Notify you when updates are available and of changes to CarrierLink.
- Give you notices about your account.
- Track CarrierLink usage and performance to better serve our customers and improve user experience, including by monitoring usage patterns, storing information about your preferences, allowing us to customize CarrierLink according to your individual settings and recognize you when you use CarrierLink.
- Enforce our rights arising from any contracts entered into between you or your company and us, including agreements for subscriptions to the Services, and for billing and collection.
- Protect our rights, property, or safety of FourKites, our customers, or others or to enable us to take precautions against liability.
- Monitor CarrierLink for security purposes to ensure we protect the application against hacking, viruses, inappropriate use of our software, or other misconduct.
- Comply with laws and regulations, under judicial authorization.

## **5.5. Employees, contactors, and applicants.**

If you interact with FourKites as an employee, contractor or applicant, we have separate privacy notices that address the personal information processed: one internal notice for our employees and contractors,

and one for applicants, which can be found [here](#). Therefore, these groups are not elaborated on in this Notice.

### **5.6. Other individuals we connect with professionally.**

This section applies to personal information that we collect and process related to individuals that we interact with professionally in any other situation than the ones described above. In this section "**you**" and "**your**" refers to any such individual.

If you are a current or prospective customer, data provider, business partner or supplier of ours, we will collect and use your personal information. For example, we will ask you to provide certain personal information (e.g., name, contact details, company name) in order to manage our business relationship with you. We use the personal information we collect for the following business and commercial purposes:

- General business relationship management within FourKites including contract management, for example, to enable us to deliver our services to your company, or to audit the provision of services by your company to FourKites.
- Give you notices about your account or subscriptions, including expiration or renewal notices.
- Manage our daily business activities, such as executing payments.
- Manage any queries, complaints or claims relating to the services your company provides to FourKites or that FourKites provides to you.
- Direct marketing, advertising and public relations purposes, in connection with FourKites' business activities, products and services (including to make recommendations about our services and products), and to inform you about important developments within FourKites.
- Product development purposes, to allow us to improve our products and services or develop new products and services.
- Carry out research and development with various FourKites partners in order to improve the services we provide to you.
- Investigate violations of law or breaches of FourKites policies.
- Enforce our rights arising from any contracts entered between you or your company and us, including agreements for subscriptions to our Services, and for billing and collection.
- Protect our legal rights, property, or safety of FourKites, our customers, or others or to enable us to take precautions against liability, security issues or other damages.
- Where necessary to comply with laws and regulations, under judicial authorization, such as screening against denied parties' lists.

## **6. Sensitive Information**

We do **not** collect any sensitive personal information through our Services. Sensitive personal information, as defined by applicable data protection laws, include details about your race or ethnicity, religious, moral, or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health (including mental), and genetic and biometric data; financial information such as account numbers. We also do not collect any information about criminal convictions or offences.

## **GENERAL INFORMATION**

### **7. Legal Basis for Processing Your Personal Information**

If you are from a country or region (e.g., EEA, Chile, Indonesia, Turkey, Thailand, South Africa, United Kingdom) where a legal basis is necessary for the processing of personal data, our legal basis for

collecting and using the personal information described above will depend on the personal information concerned and the specific context in which we collect it.

**Legitimate Interest.** We will normally collect and use personal information from you where the processing is in our legitimate interests (or those of any third party) and not overridden by applicable law, your interests or fundamental rights and freedoms. This interest will normally be to improve, maintain, provide and enhance our technology and services, communicating with you as necessary to provide our services to you and for our legitimate commercial interest, for instance, when responding to your queries, undertaking marketing, or for the purposes of detecting or preventing illegal activities.

**Performance of a Contract.** If you are someone who has downloaded CarrierLink (such as a driver), we need your personal information to perform a contract with you (that is providing the CarrierLink App and connected services). Similarly, this will be the case if you have decided to join the Community, you will form a contract with us, and we will need your personal information in order to provide the Community.

**Legal Obligation.** In some other limited cases, we may also have a legal obligation to collect personal information from you. If we ask you to provide personal information to comply with a legal requirement, we will make this clear at the relevant time and advise you whether the provision of your personal information is mandatory or not, as well as of the possible consequences if you do not provide your personal information.

**Consent.** If you are from a country or region that requires us to ask for consent for any processing or transferring data (e.g., Canada, Colombia, Panama, Turkey, Taiwan) we collect, use, disclose and otherwise process the personal information described above only with your consent. If you do not wish to provide us with any personal information which is indicated as compulsory, we may not be able to communicate with you or provide certain services or features to you. Further, if you provide us with details of any other individual (e.g., any other Platform User), you must give a copy of this Privacy Notice to, and obtain consent from, that individual before giving their personal information to us where consent is required by applicable laws.

If you have questions about or need further information concerning the legal basis on which we collect and use your personal information, please contact us at [privacy@fourkites.com](mailto:privacy@fourkites.com).

## **8. Recipients of Your Personal Information**

In addition to and based on the specific purposes set out above, we may disclose personal information that we collect or that you provide. We may share or disclose your personal information to the following categories of recipients:

- **Subsidiaries, affiliates and employees.** We share your personal information with our subsidiaries and affiliates, including FourKites India Private Limited (India), FourKites B.V. (the Netherlands), FourKites Singapore Pte. Ltd, FourKites Poland, sp. z o., and NIC GmbH (Germany). If and to the extent necessary for the performance of their tasks, access will be granted to your personal information to our employees who are bound by confidentiality.
- **Third-party vendors and other service providers.** We may share your personal information with our third-party vendors, contractors, service providers, and other third parties we use to support our business and who are bound by contractual obligations to keep personal information confidential and use it only for the purposes for which we disclose it to them.
- **Business transfers.** We may share your personal information with 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 FourKites' assets, whether as a going concern or as part of bankruptcy,

liquidation, or similar proceeding, in which personal information held by FourKites about Platform users and/or Website visitors is among the assets transferred.

- **Compliance with laws.** We may share your personal information with any competent law enforcement body, regulatory, government agency, court or other third party where we believe disclosure is necessary (i) as a matter of applicable law or regulation, (ii) to exercise, establish or defend our legal rights, or (iii) to protect your vital interests or those of any other person.
- **Service delivery.** For Platform and CarrierLink Users, we may share your personal information to shippers, carriers, brokers and other participants in the shipping and/or trucking industry only as necessary to provide the Services, pursuant to agreements with each such licensee.
- **Community users.** For the Community Users, we may share your personal information to other Users of the Community.
- To **any other** third party you authorize us to disclose it to (e.g., Network Collaboration).

## 9. Third-Party Information Processing

When you use the Services, certain third parties may use automatic information collection technologies to collect information about you or your device. These third parties may include:

- The carrier company for which you work or by which you are engaged.
- The shipper(s), brokers or beneficial cargo owner of loads you carry.
- Third-party technology or service providers for carriers, brokers and/or shippers.
- Third-parties that provide support or services for the Platform and/or Website.
- Advertisers, ad networks, and ad servers.
- Analytics companies.
- Your mobile device manufacturer.
- Your mobile service provider.

These third parties may use tracking technologies to collect information about you when you use the Platform and/or the Website. 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, apps, 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. For information about how you can opt out of receiving targeted advertising from many providers, see [Your Privacy Right and Choices](#) section below.

## 10. Combining your personal information

We may combine personal information with other information we collect or obtain about you (such as information we source from our third parties) to serve you specifically, such as to deliver a product or service according to your preferences or restrictions, or for advertising or targeting purposes in accordance with this Privacy Notice. When we combine personal information with other information in this way, we treat it as, and apply all of the safeguards in this Privacy Notice.

## 11. Location and Retention of Your Personal Information

**Location.** If you are using our Services, be aware that your information will be transferred to, and maintained on, IT infrastructure located within the United States and further that your information may be accessed within the United States and/or our teams in India, Europe, and Singapore. The collection, use, retention and any other processing of your information will be governed by United States law, to the extent applicable, and further by the specific jurisdictions within the United States where that information is stored, unless otherwise specified. Accordingly, your information may be accessible to law enforcement and/or regulatory authorities according to applicable United States law.

**Retention.** We hold your personal information only for as long as necessary to fulfil the purposes set out in this Privacy Notice. FourKites only decides the retention periods for the personal information processed as described in this notice in the capacity of a controller. These retention periods are either based upon a legal obligation we have that prescribes the requirement to retain your personal information, or a business interest to retain your personal information. Our customers decide the appropriate retention periods for personal information processed by us in the capacity of a processor on their behalf. If you would like more information about specific retention periods you can email us at [privacy@fourkites.com](mailto:privacy@fourkites.com).

## **12. International Data Transfers**

When we transfer your personal information outside of the jurisdiction in which you live or work, we do this where we are satisfied that adequate levels of protection are in place to protect the integrity and security of your personal data and/or adequate security measures are adopted, in compliance with applicable data protection laws.

**Adequacy Decision or Contractual Clauses.** This means that whenever your personal information is transferred to a different jurisdiction, we make sure that such transfers is either approved by the authorities from the jurisdiction the personal information originates from through so called ‘adequacy decisions’ or is subject to appropriate safeguards such as contractual clauses for transfers as approved by those authorities (e.g., Argentina, Brazil, EEA, Indonesia, Israel, Singapore, The Philippines, Uruguay).

**Consent.** If you are from a country where consent is the only ground available to transfer data (e.g., Canada, Malaysia, Mexico, Panama, Peru, Saudi Arabia, Turkey), we will transfer overseas and process the personal information described above **only** with your consent. International transfers of your personal data shall comply with the legal basis set forth in the applicable law of your country, and any instructions provided by the regulatory authority and/or applicable law.

**Data Privacy Framework.** FourKites complies with the EU-U.S. Data Privacy Framework (“**EU-U.S. DPF**”) and the UK Extension to the EU-U.S. DPF (“**UK Extension**”), and the Swiss-U.S. Data Privacy Framework (“**Swiss-U.S. DPF**”) as set forth by the U.S. Department of Commerce. FourKites has certified to the U.S. Department of Commerce that it adheres to the EU-U.S. Data Privacy Framework Principles (“**EU-U.S. DPF Principles**”) with regard to the processing of personal data received from the European Union and the United Kingdom in reliance on the EU-U.S. DPF and the UK Extension to the EU-U.S. DPF. FourKites has certified to the U.S. Department of Commerce that it adheres to the Swiss-U.S. Data Privacy Framework Principles (“**Swiss-U.S. DPF Principles**”) with regard to the processing of personal data received from Switzerland in reliance on the Swiss-U.S. DPF. If there is any conflict between the terms in this privacy policy and the EU-U.S. DPF Principles and/or the Swiss-U.S. DPF Principles, the Principles shall govern. To learn more about the Data Privacy Framework (DPF) Program, and to view our certification, please visit <https://www.dataprivacyframework.gov/>

FourKites’ responsibility for data it receives pursuant to the DPF and subsequently transfers to third parties is detailed in the DPF Principles. FourKites complies with the DPF Principles for all onward

transfers from the EU, Switzerland and the United Kingdom, including the onward transfer liability provisions (i.e., the Accountability for Onward Transfer Principle). FourKites remains responsible and liable under the DPF Principles if third-party agents that it engages to process personal data on its behalf do so in a manner inconsistent with the DPF Principles, unless FourKites proves that it is not responsible for the event giving rise to the damage.

With respect to personal information received or transferred pursuant to the Data Privacy Framework, FourKites is subject to the regulatory enforcement powers of the U.S. Federal Trade Commission. In certain situations, we may be required to disclose personal information in response to lawful requests by public authorities, including as required to meet national security or law enforcement requirements.

Pursuant to the Data Privacy Framework, EU, Swiss and UK individuals have the right to obtain our confirmation of whether we maintain personal information relating to you in the United States. Upon request, we will provide you with access to the personal information that we hold about you. You may also correct, amend, or delete the personal information we hold about you. An individual who seeks access, or who seeks to correct, amend, or delete inaccurate data transferred to the United States under the Data Privacy Framework, should direct their query to [privacy@fourkites.com](mailto:privacy@fourkites.com). If requested to remove data, we will respond within a reasonable timeframe.

In compliance with the EU-U.S. DPF and the UK Extension to the EU-U.S. DPF and the Swiss-U.S. DPF, FourKites commits to resolve DPF Principles-related complaints about our collection and use of your personal information. EU and UK individuals and Swiss individuals with inquiries or complaints regarding our handling of personal data received in reliance on the EU-U.S. DPF and the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. DPF should first contact FourKites at: [privacy@fourkites.com](mailto:privacy@fourkites.com).

FourKites has further committed to refer unresolved privacy complaints under the DPF Principles to an independent dispute resolution mechanism, Data Privacy Framework Services, operated by BBB National Programs. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit <https://bbbprograms.org/programs/all-programs/dpf-consumers/ProcessForConsumers> for more information and to file a complaint. This service is provided free of charge to you.

If your DPF complaint cannot be resolved through the above channels, under certain conditions, you may invoke binding arbitration for some residual claims not resolved by other redress mechanisms. See <https://www.dataprivacyframework.gov/framework-article/ANNEX-I-introduction>.

### **13. Protection of your Personal Information**

At FourKites, protecting the information that we are trusted with is our priority. We take contractual, technical, and organizational security measures in accordance with the state of the technology to protect the processed data against accidental or intentional manipulation, loss, destruction or against access by unauthorized persons. Your personal data will be protected within the scope of the following points:

- **Safeguarding the confidentiality of your personal information.** To maintain the confidentiality of your data stored by us, we have taken various measures such as access control, pseudonymization and encryption. Additionally, we ensure that actual or suspected data breaches are investigated and reported in accordance with applicable law.
- **Safeguarding the integrity of your personal data.** To maintain the integrity of your data stored by us, we have taken various measures to control disclosure and input, and train our employees as part of our information security program.

- **Maintaining the availability of your personal data.** To maintain the availability of your data stored with us, we have taken various control measures to ensure the resilience of processing systems and services.
- **Testing, assessing, and evaluating the effectiveness of measures implemented.** The security measures in place are continuously improved in line with technological developments.

FourKites is SOC 2 Type II compliant. SOC 2 is an evaluation of the design and operating effectiveness of controls that meet the AICPA's Trust Services Principles criteria. Every year FourKites is subject to independent audit. If you would like more information about specific measures taken to protect your personal information you can email us at [infosec@fourkites.com](mailto:infosec@fourkites.com).

#### **14. Your Privacy Right and Choices**

Based on the law applicable to the use of your personal information, you have rights in relation to your personal information. Note that we will have to balance your rights and your request to exercise them against our rights and obligations to process your personal information and to protect the rights and freedoms of others. A number of the rights you may have in relation to your personal information are explained below:

- You have the right to be **informed** on the processing of your personal information, and in some countries, this may include the right to information about the public and privacy entities with which we have shared your information and how we have used your information in the 12 months prior to your request.
  - California consumers have the right to opt-out of the sale of their personal information. **We do not and will not sell your personal information.** We may provide third parties with certain personal information to provide or improve our products and services, for example to deliver products or services at your request. In such cases, we require those third parties to handle the information in accordance with applicable laws and regulations.
- You may have the right to **access, correct, update, anonymize, or delete** your personal information by emailing [privacy@fourkites.com](mailto:privacy@fourkites.com). Note that we cannot delete your personal information without also deleting your user account. We may not accommodate a request to delete or change information if we believe the deletion or change would violate any law or legal requirement (including contractual) or cause the information to be incorrect. Proper access and use of information in connection with the Services is governed by our agreements with the company licensing access to the Services.
- You may have the right to **object to processing** of your personal information, ask us to **restrict processing** of your personal information or **request portability** of your personal information by emailing [privacy@fourkites.com](mailto:privacy@fourkites.com).
- **Promotion by FourKites.** If you do not want us to use your email address to promote our own or third parties' products or services, you can **opt-out of receiving marketing emails** at any time by sending an email to [unsubscribe@fourkites.com](mailto:unsubscribe@fourkites.com) or by using the unsubscribe function on the marketing communication.
- When we have collected and processed your personal information with your consent, then you can **withdraw your consent** at any time by emailing [privacy@fourkites.com](mailto:privacy@fourkites.com). Withdrawing your consent will not affect the lawfulness of any processing conducted prior to your withdrawal, nor will it affect processing of your personal information conducted in reliance on lawful grounds other than consent. In some countries you may also have the right to request for proof of your consent.

- You have the **right not to receive discriminatory treatment** for exercising your privacy rights.
- You have the **right to complain to a data protection authority** about our collection and use of your personal information. In some countries this right to complain might be restricted. Some data protection laws require you to first use our complaints procedure as explain in this Privacy Notice before you can submit your complaint to your local data protection authority. For more information, please contact your local data protection authority.

**Privacy Rights Procedure.** We respond to all requests we receive from individuals wishing to exercise their privacy rights in accordance with applicable data protection laws. This section includes a description of how we handle your request when you choose to exercise your rights.

When we receive your request, we will verify your request and your rights against applicable data protection laws. This means that we will take steps to verify your identity by a method appropriate to the type of request you are making to ensure you are the individual about whom we have personal information, confirm your right to exercise these rights, and if confirmed, proceed with the request.

We will respond to your request within a reasonable period and in accordance with the periods prescribed by applicable data protection laws. We may charge you a reasonable fee for processing your request.

We may decline your request and if we do, we will give you a written notice that sets out the reasons for the refusal (unless it would be unreasonable to provide those reasons), including details of the mechanisms available to you to make a complaint.

**Choices.** You can exercise control over the following uses of your information.

- **Tracking Technologies.** You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. If you disable or refuse cookies or block the use of other tracking technologies, some parts of the Platform, Community and/or the Website may then be inaccessible or not function properly. For more information see our [Cookie Notice](#).
- **Location Information.** You can choose whether or not to allow the Platform and CarrierLink to collect and use real-time information about your device's location through the device's privacy settings. If you block the use of location information, some parts of the Platform and CarrierLink may then be inaccessible or not function properly.
- We do not control third parties' collection or use of your information to serve interest-based advertising. However, these third parties may provide you with ways to choose not to have your information collected or used in this way. You can opt out of receiving targeted ads from members of the Network Advertising Initiative ("NAI") on the NAI's website.

Within our Services we provide functionality allowing you to review and update certain aspects your personal information via your account profile page.

**Complaint Procedure.** If you wish to make a complaint about or provide us with feedback on any processing activity or practice conducted by FourKites, please contact us by using the contact details in [section 1](#) and we will take reasonable steps to address the feedback or investigate the complaint and respond to you.

## **15. Special Note About Children and Minors**

The Platform and the Website are not intended for children under the age of 18, and we do not knowingly collect personal information from children under the age of 18. If we learn we have collected or received personal information from a child under the age of 18 without verification of parental

consent, we will delete that information. If you believe we might have any information from or about a child under the age of 18, please contact us at [privacy@fourkites.com](mailto:privacy@fourkites.com).

#### **16. Changes to Our Privacy Notice**

We may update this Notice from time to time in response to changing legal, technical or business developments. When we update our Notice, we will take appropriate measures to inform you, consistent with the significance of the changes we make. We will obtain your consent to any material Notice changes if and where this is required by applicable data protection laws.

You are responsible for ensuring we have an up-to-date active and deliverable email address and/or mobile phone number for you and for periodically visiting this privacy notice to check for any changes.