

## RESERVOIR AUTOMATED IRRIGATION CONTROLLERS PRIVACY POLICY

*Last Modified August 27, 2018*

RESERVOIR Automated Irrigation Controllers, L.L.C. (“*Company*”, “*we*”, “*us*” or “*our*”) respects Your privacy and are committed to protecting it through our compliance with this Privacy Policy (this “*Privacy Policy*”).

This Privacy Policy describes the types of information we may collect from you or that you may provide when you use the Company’s smartphone application and web application (“*Software*”), interact with services, features, functionality, content, websites, or products offered by Company through the Software, and our practices for collecting, using, maintaining, protecting and disclosing that information. The Company’s Software Terms of Use (the “*Terms of Use*”) are expressly incorporated herein by reference and are an integral part hereof. The Terms of Use can be found here: <http://www.ReservoirUSA.com/terms-of-use>.

Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it. **IF YOU DO NOT WANT TO AGREE TO OUR PRIVACY POLICY, YOU MUST NOT SIGN UP, DOWNLOAD, OR REGISTER FOR, ACCESS OR USE THE SOFTWARE.**

### **1. Changes to this Privacy Policy.**

We reserve the exclusive right to make changes to this Privacy Policy, from time to time. Your continued access to and use of the Software and any associated services constitutes your agreement to be bound by, and your acceptance of, the Privacy Policy posted at such time. You acknowledge and agree that you accept this Privacy Policy (and any amendments thereto) each time you visit the Software or sign into your account (your “*Account*”). Therefore, we encourage you to review this Privacy Policy regularly.

If, within thirty (30) days of us posting changes or amendments to this Privacy Policy, you decide that you do not agree to the updated terms, you may withdraw your acceptance to the amended terms by providing us with written notice of withdrawal of your acceptance. Upon providing us with your notice of your acceptance withdrawal, you are no longer authorized to access or use the Software or any associated services, and you must not do so.

### **2. Children Under the Age of 13.**

Our Software is not intended for children under thirteen (13) years of age. No one under age 13 may provide any information to or on the Software. We do not knowingly collect Personal Information (as defined below) from children under 13. If you are under 13, do not use or provide any information on this Software or on or through any of its features; register on the Software; make any purchases or conduct any transactions through the Software; use any of the interactive or public comment features of this Software; or provide any information about yourself to us, including your name, address, telephone number, e-mail address or any screen name or user name you may use. If we learn that we have collected or received Personal Information from a child under 13 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 13, please contact us at [info@ReservoirUSA.com](mailto:info@ReservoirUSA.com).

### **3. Applicability.**

- (a) This Privacy Policy applies to:

- (i) Information we collect in this Software and in email, text, and other electronic communications sent through this Software;
  - (ii) Information or data that you input or upload to the Software; and
  - (iii) In your interactions with us through the Software.
- (b) This Privacy Policy does not apply to:
- (i) Information collected by us offline or through any other means, including on any other website or application operated by us or any third party (including our affiliates and subsidiaries);
  - (ii) Information collected by any third party services that may link to or be accessible from or on the Software; or
  - (iii) Information you provide to any third parties.

**4. Information We Collect About You and From You.** We collect several types of information from and about users of our Software including:

- (i) *Non-Personal Information:* From users of the Software (“**End Users**”). Information that is about you, but individually does not identify you, such as your IP address; domain server; internet browser; equipment; devices used to access the Software; and Software usage details (“**Non-Personal Information**”);
- (ii) *Personal Information:* Information by which you may be personally identified, if you provide it to us, such as your name; postal address(es) (street number, city, state, zip code, country); e-mail address; telephone number; payment information (e.g., credit card number); and any other identifier by which you may be contacted online or offline (“**Personal Information**”); and
- (iii) *Aggregate Information:* Information that may be derived from Personal Information, but that is combined, stored, and presented in manner that does not identify you or any other user of the Software individually (“**Aggregated Information**”).

**5. How We Collect Information From You or About You.**

- (a) *We collect this information:*
- (i) Directly from you when you provide it to us, including when you input information into your Account;
  - (ii) Automatically as you navigate through the Software. Information collected automatically may include usage details; contents of an e-mail or direct message sent through the Software; IP addresses and information collected through cookies; web beacons; and other tracking technologies; and
  - (iii) From third parties, for example, our partners or outside parties who provide services to you through or via the Software.
- (b) *Information You Provide to Us.* The information we collect on or through our Software may include:
- (i) Information that you provide by filling in forms on our Software. This includes information provided at the time of registering to use our Software, purchasing any products via the Software, subscribing to any services, or requesting further

services. We may also ask you for information when you enter a contest or promotion sponsored by us, and when you report a problem with our Software;

- (ii) Text, photographs, videos, sound recordings, and any other multi-media content that you may upload to the Software or to which you grant the Software with access;
- (iii) Records and copies of your correspondence (including e-mail addresses), if you contact us;
- (iv) Your responses to surveys that we might ask you to complete for research purposes;
- (v) Details of transactions you carry out through our Software. You may be required to provide financial information before placing an order through our Software;
- (vi) Contents of an e-mail or direct message sent through the Software;
- (vi) Your search queries on the Software; and
- (vii) Certain information (including Aggregated Information) or data collected about your use of the Software or regarding a category of products, services, or users.

(c) *Automatic Information Collection and Tracking.* As you navigate through and interact with our Software, we may use automatic data collection technologies to collect certain information about your computer equipment, browsing actions and patterns, including:

(i) *Usage Details.* When you access and use the Software, we may automatically collect certain details of your access to and use of the Software, including traffic data, location data, logs, and other communication data and the resources that you access and use on or through the Software.

(ii) *Device Information.* We may collect information about your mobile device and internet connection, including the device's unique device identifier, IP address, operating system, browser type, mobile network information, and the device's telephone number.

(iii) *Stored Information and Files.* The Software also may access metadata and other information associated with other files on your device, if you grant access to such files and information to the Software. This may include, for example, photographs, audio and video clips, personal contacts, and address book information.

(iv) *Location Information.* This Software collects real-time information about the location of your device.

**6. Technologies Used by Us.** The technologies we use for this automatic data collection may include:

(i) *Cookies (or mobile cookies).* A cookie is a small file placed on your computing device. You may refuse to accept browser cookies by activating the appropriate setting on your device. However, if you select this setting you may be unable to access certain parts of our Software. Unless you have adjusted your device setting so that it will refuse cookies, our system will issue cookies when you access the Software.

(ii) *Web Beacons.* Certain aspects of the Software and our e-mails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags and single-pixel gifs) that permit us, for example, to count users who have visited certain pages or areas of the Software or opened an e-mail and for other related Software statistics (for example, recording the popularity of certain Software content and verifying system and server integrity).

## 7. **How We Use Your Information.**

(a) We use information that we collect about you or that you provide to us, including any Personal Information:

- (i) To present our Software and its contents to you;
- (ii) To provide you with information, products or services that you request from us;
- (iii) To provide you with notices about your Account;
- (iv) To improve our Software or any products or services we offer or provide through it;
- (v) To facilitate transactions you are involved in as a user;
- (vi) To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection;
- (vii) To notify you about changes to our Software or any products or services we offer or provide through it;
- (viii) To allow you to participate in interactive features on our Software;
- (ix) In any other way we may describe when you provide the information;
- (x) To fulfill any other purpose for which you provide it; and
- (xi) For any other purpose with your consent.

(b) 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 for general commercial purposes. For example we may use collected information for review of Software function and efficiency.

## 8. **Disclosure of Your Information.**

(a) We may disclose Aggregated Information about our users and information that does not identify any individual, without restriction.

(b) We may disclose Personal Information that we collect or you provide as described in this Privacy Policy:

- (i) To our subsidiaries and affiliates for the purpose of making the Software available to you and to provide associated services to you;
- (ii) To 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;
- (iii) To 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 Company's assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which personal information held by Company about our Software users is among the assets transferred;
- (iv) To third parties to market their products or services to you if you have not opted out of these disclosures. We contractually require these third parties to keep

Personal Information confidential and use it only for the purposes for which we disclose it to them.

- (v) To fulfill the purpose for which you provide it. For example, if you use our Software to send a direct message, we will transmit the contents of that direct message and your name to the recipient;
  - (vi) For any other purpose disclosed by us when you provide the information; and
  - (vii) For any other purpose with your consent.
- (c) We may also disclose your Personal Information:
- (i) To comply with any court order, law or legal process, including responding to any government or regulatory request;
  - (ii) To enforce or apply our Terms of Use as well as other agreements, including for billing and collection purposes; and
  - (iii) If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of the Company, our customers or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

## **9. Choices About How We Use and Disclose Your Information.**

(a) We strive to provide you with choices regarding the Personal Information you provide to us. We have created mechanisms to provide you with the following control over your information:

(i) *Tracking Technologies and Advertising.* You can set your computing device to refuse all or some browser cookies, or to alert you when cookies are being sent. If you disable or refuse cookies, please note that some parts of the Software may then be inaccessible or not function properly.

(ii) *Location Information.* You can choose whether or not to allow the Software to collect and use real-time information about the location of your computing device through the device's location and/or privacy settings. If you block the use of location information, some parts of the Software may then be inaccessible or not function properly.

(iii) *Promotional Offers from Us.* If you do not wish to have your e-mail address used by the us to promote our own or third parties' products or services, you can opt-out by clicking the "unsubscribe" link contained in these emails; checking the relevant box on the Registration Form; or by logging into the Software and adjusting your user preferences in your account profile; If we have sent you a promotional e-mail, you may send us a return e-mail asking to be omitted from future e-mail distributions. This opt out does not apply to information provided to us as a result of a product purchase or other transactions conducted by you via the Software.

(b) If you access any links to third party websites available to you via the Software or utilize any services through the Software that are provided by third parties, you will be subject to such the policies of those third parties. We do not control third parties' collection or use of your information (including information related to 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 Software.

**10. Data Security.**

We have implemented industry reasonable security measures designed to protect your Personal Information from accidental loss and from unauthorized access, use, alteration and disclosure. Data and records regarding your registration with and use of the Software will be retained for a reasonable period of time. All information you provide to us is stored in an encrypted format on and hosted on secure servers. These facilities may be operated by us or by our third-party service providers. By using the Software, you consent to having your Personal Information stored, transferred, and processed by these facilities. Any payment transactions will be encrypted using SSL technology.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Software, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. We urge you to be careful about giving out information in public areas of the Software like message boards. The information you share in public areas may be viewed by any user of the Software.

Unfortunately, the transmission of information via the Software and computing devices is not completely secure. Although we strive to protect your Personal Information, we cannot guarantee the security of your Personal Information transmitted on our Software. Any transmission of Personal Information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Software.

**11. Business Transactions.**

If the Company is involved in a merger, acquisition or asset sale, your Personal Information may be transferred as a business asset. In such cases, we will provide notice before your Personal Information is transferred and/or becomes subject to a different Privacy Policy.

**12. International Users.**

If you are accessing the Software from outside the United States, please be aware that you are sending information, including Personal Information, to the United States where our servers are located. That information may then be transferred within the United States or back out of the United States to other countries outside of your country of residence, depending on the type of information and how it is stored by us. These countries (including the United States) may not necessarily have data protection laws as comprehensive or protective as those in your country of resident; *however*, our collection, storage, and use of your Personal Information will at all times continue to be governed by this Privacy Policy.

**13. Your California Privacy Rights.**

California Civil Code Section 1798.83 permits California residents to request and obtain from us once a year, free of charge, a list of the third parties to whom we have disclosed ‘personal information’ (as defined under that statute) of that California resident, for direct marketing purposes in the preceding calendar year and the categories of personal information that was disclosed to them. If you are a California resident and you wish to make such a request, you may contact us at [info@ReservoirUSA.com](mailto:info@ReservoirUSA.com).

**14. Contact Information.** To ask questions or comment about this Privacy Policy and our privacy practices, contact us at: [info@ReservoirUSA.com](mailto:info@ReservoirUSA.com).