

WAVE.BAND Privacy Policy

At WAVE.BAND we take your privacy seriously and we want you to know our policies. This Notice will give you an overview of those policies and how we will apply them in specific situations. The Cable Communications Policy Act of 1984 (the “Cable Act”) contains restrictions on the collection, disclosure and retention by cable operators of personally identifiable information about subscribers to cable television or certain other services. Other federal law also may apply to some services, including the Electronic Communications Privacy Act of 1986 (the “ECPA”). This Notice informs subscribers of our policies regarding personally identifiable information we obtain in the course of providing our services that are subject to the privacy provisions of the Cable Act. Those services currently consist of our video programming service, our Internet access service, our telephone service (including our voice over Internet Protocol telephone service). Not all of these services may be available in your local cable system. Our policies are intended to conform to the requirements of the Cable Act, the ECPA and other applicable law. The term “Wave Broadband,” “we,” “our” or “us” refers to any company that is controlled by WAVE.BAND, LLC, a California limited liability company, and through which you subscribe to any cable or other service covered by the privacy provisions of the Cable Act or other laws mentioned in this Notice.

Policy Overview. This Notice tells you our policies regarding:

- The kinds of personally identifiable information we collect;
- How we use that information;
- The nature, frequency and purpose of any disclosure we may make of that information and the types of persons and entities to which the disclosure may be made;
- The period during which we will keep that information;
- The choices available to you regarding collection, use and disclosure of that information, including the times and place at which you may have access to that information; and
- Certain rights you may have regarding that information.

Information is “personally identifiable” if it can be used to identify or contact an individual, such as his or her name and address or telephone number. It also includes information that links data about an individual’s activities or history to that individual, such as the combination of the individual’s name with the fact that he or she purchased a specific product online, so that someone else with access to the combined information could learn that the named person bought the particular item. Information that does not permit an individual to be identified or contacted and that does not permit information about his or her activities or history to be linked to him or her is not “personally identifiable information.” Among other things, this means that if we separate data about your activities from your name or other data that identifies you, then that data is no longer “personally identifiable information.” For example, we might compile data we have about our Wave Broadband Internet access customers into aggregate or other anonymous forms, such as the monthly average number of customers who use the service to visit travel-related Websites.

Our policies described in this Notice apply to personally identifiable information about you that you furnish to us or that we otherwise collect in the course of providing you with one of our services. Those policies apply to such information whether we obtain it “online” (such as when you subscribe for our cable service on a Website we operate) or “offline” (such as when you subscribe for our cable service using the telephone or a paper order form). Please note, however, that if you use a Website we operate for purposes of our cable or other services, then additional online privacy policies may apply that cover topics unique to Internet usage, such as use of “cookies.” You can review those additional online policies by clicking on the “Privacy Policy” link appearing at the bottom of the home page of the relevant Website.

Some of our services, including our Internet access service, interactive cable television programming and telephone service (including voice over Internet Protocol telephone service) allow you to interact with companies and individuals that are independent of WAVE.BAND. By using those services, you may enable these companies or individuals to independently learn personally identifiable information about you. The policies in this Notice do not apply to personally identifiable information or other information that you provide to any of these third parties or that they collect independently of us. These third parties may not be obligated to comply with WAVE.BAND’s privacy policies or the privacy provisions of the Cable Act. They may have their own privacy policies, but Wave Broadband is not responsible or liable to you if such third parties do not have appropriate policies or if they fail to follow those policies.

The Kinds of Personally Identifiable Information We Collect and How We Use It. In order to provide our services to you, we keep business records that contain personally identifiable information about you, including but not limited to the following:

- Your name, home and/or work e-mail and postal addresses, telephone numbers, social security number, driver’s license number, credit or debit card numbers and expiration dates and bank account information for billing purposes, payment history and credit reports;
- Depending on the services we provide to you, information on the number, location within your home and/or business and configuration of modems, personal computers, telephones or other service-related equipment or devices in your home and/or business;
- Maintenance and repair records for the equipment in your home used for the services;
- The services and service options you select and, in the case of any service where you have a choice of whether or not to use a particular feature, program or offering, the information transmitted through our cable facilities or that you otherwise communicate to us in order to make a choice;
- Information about your satisfaction or usage of a service that we obtain from subscriber interviews or questionnaires or other feedback from you;
- A record of whether you rent or own your home so that we can obtain any permission required prior to installing our cable or equipment;
- Subscriber correspondence (via e-mail or otherwise);
- A record of any violations and alleged violations of the agreements, terms, conditions or policies that govern your use of our services; and

- Other information that we need to render a service to you or conducting our business of providing that service.

In general, we use this personally identifiable information as necessary to render our services to you, to detect unauthorized reception of cable communications and for tax, legal, accounting and other purposes related to our business of providing our services to subscribers, including, but not limited to, the following:

- To make sure you are being billed properly and pay for the services you receive;
- To send you pertinent announcements about the Wave Broadband services you receive;
- To improve the quality of WAVE.BAND services;
- To answer questions from subscribers such as troubleshooting; and
- To send promotional material or information to you about other products and services available from Wave Broadband or others, subject to applicable law and any “opt-out” choice you make as described in this Notice.

Without your written or electronic consent, we may not collect this personally identifiable information about you over our cable system unless it is necessary to render a service you receive or detect unauthorized reception of cable communications. If you use the Wave Broadband Internet access service, an interactive television service or a telephone service (including voice over Internet Protocol telephone service) we provide, then as a necessary incident of providing that service, our computer systems automatically capture and store information that may include, but is not limited to, the interactive television service offerings you order using such interactive television service and the Websites you visit using such Internet access service; the dates, times and length of your Internet visits or telephone calls; the IP (Internet Protocol) address of the computer you use or e-mail addresses or telephone numbers that you communicate with; and the text of e-mail or other electronic communications you send or receive using any of these services. We use that information to provide the service, to bill and collect service-related charges, to ensure compliance with applicable law and contractual provisions and to customize our services based on the interests of subscribers and for tax, legal, accounting and other purposes related to our business of providing such services. Any personally identifiable information that may be derived from these logs is subject to the policies described in this Notice and to our obligations under the ECPA and other applicable law.

We may also combine personally identifiable information that we obtain from you in the course of our business of providing a service to you with personally identifiable information that we obtain from third parties for the purpose of creating an enhanced personal database to use in marketing and other activities.

Disclosure of Personally Identifiable Information by Us. Under the Cable Act, Wave Broadband may not disclose personally identifiable information about you except in certain limited circumstances.

We may disclose personally identifiable information about you with your prior written or electronic consent. As permitted by the Cable Act, WAVE.BAND also may disclose from time to time, without such consent, personally identifiable information about you if necessary to render, or conduct a legitimate business activity related to, a cable service or other service provided to you. The kinds of persons or

entities to which we may make such disclosures (to the extent permitted by the Cable Act) include, but are not necessarily limited to, the following:

- Persons or entities that control, are controlled by, or under common control with WAVE.BAND;
- Billing services, collection agencies and credit agencies;
- Installation, repair and other contractors and subcontractors or suppliers of goods or services we use in providing a service to you;
- Sales representatives used to market our services;
- Accountants, lawyers, consultants and other professionals we or our affiliated companies use in our businesses; and
- Cable programming or content suppliers and program guide distributors.

In addition, if Wave Broadband or its affiliates directly or indirectly transfer ownership of or an interest in all or part of the business of providing a service you subscribe for, we may disclose or transfer your subscriber records to the purchaser or other party to the extent necessary to complete the transaction or permit the purchaser or other party to continue to provide you with service after the transaction is completed. This kind of transaction could take the form of a merger, sale of stock or assets, formation of a joint venture, investment or some other structure.

Information we disclose for purposes relating to billing and levels of service usage is generally provided on a monthly basis. Information for other purposes is provided as it is needed.

As permitted by the Cable Act, we may also from time to time disclose lists of our subscribers to third parties for purposes other than those referred to above. Those lists may contain your name and address, so long as we have given you the opportunity to prohibit or limit such disclosure and we do not also reveal, directly or indirectly, the extent of any viewing or other use of the services we provide to you or the nature of any transaction you make using those services. This permits us, among other things, to disclose your name and address to charities, advertisers, direct mail marketers and telemarketers for use in telephone or mail solicitations, market research or other purposes. You have the right to elect not to be included on such a list. **If you do not desire to be included on any such list, you may “opt out” by contacting your local WAVE.BAND office (which is identified on each monthly bill you receive), or by writing to us at WAVE.BAND at 6755 Mira Mesa Blvd #392 San Diego, CA 92121.** If you use the WAVE.BAND Internet access service or telephone service (including voice over Internet Protocol telephone service) to send or receive an email message or other electronic communication, the ECPA permits us to access the content of those communications. It also permits us to disclose such information to an addressee or intended recipient (or his or her agent); to a person involved in forwarding such information to its destination or when it is necessarily incident to providing service or to protect our rights or property; or to any one with the consent of the subscriber or an addressee or intended recipient (or his or her agent). The Cable Act also permits us to disclose personally identifiable information about you if authorized by a court order and if you have been notified of such order. If a governmental authority seeks the disclosure of personally identifiable information under any law except (i) the ECPA or (ii) the federal “pen register/trap and trace” statute (which we refer to as the

“Register/Trace Statute”), then the Cable Act may prohibit such disclosure unless the disclosure is required by a court order and the following two special requirements are met:

- you have been given the opportunity to appear and contest in court any claims made in support of the court order sought by the governmental authority; and
- in the court proceeding, the governmental authority has offered clear and convincing evidence that you are reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in a case against you. If a governmental authority seeks personally identifiable information about you under the ECPA or the Register/Trace Statute, the Cable Act’s requirements are different depending on the nature of the information sought. If the governmental authority wants disclosure of records revealing cable subscriber selection of video programming, then we may disclose it only if authorized or required by a court order and only if the two special requirements of the Cable Act stated above are met. If, however, the government seeks any other kind of personally identifiable information, then those two special requirements do not have to be met and the government may require us to make the disclosure if authorized by the ECPA or the Register/ Trace Statute. In some cases, this will mean that the disclosure may be required without a court order, without any prior notice to you that the government seeks the disclosure, without any prior opportunity for you to oppose the disclosure and without any notice that the disclosure has been made as required.

In addition to the above, if you subscribe to any of our Internet or telephony services, the ECPA permits us to disclose the contents of your e-mail or other communications to a law enforcement agency if we reasonably believe that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay. We may do so without prior notice to you, without your consent and without being required to do so by a warrant, subpoena, court order or law. Examples of situations in which we might make such disclosures are where we reasonably believe that there is an immediate risk of death, suicide or terrorist activity.

The ECPA provides for other exceptional circumstances under which we may be compelled or permitted to disclose personally identifiable information about you or the content of your communications. For example, the content of your e-mail or other communications may be disclosed to law enforcement agencies if it appears to be evidence of child pornography, or was inadvertently obtained by us and appears to pertain to the commission of a crime.

The Social Security Act provides that state welfare agencies may obtain from our subscriber lists the names and addresses of individuals who owe or are owed child support and the names and addresses of their employers. The law says that this information can be obtained through an administrative subpoena issued by the state welfare agency, without a court order, and does not require that a subscriber be given notice of and the opportunity to contest the disclosure.

Sometimes, a copyright owner believes that the copyright has been infringed by an Internet user who uses an online service to post, download or otherwise use the copyrighted work without permission. The owner may know some information, such as the user’s e-mail or IP address, but may not know the users true identity. The Digital Millennium Copyright Act provides for a copyright owner to obtain a subpoena seeking disclosure from an online service provider of the identity of a user who is believed to have infringed the copyright. Upon receipt of a subpoena, the online service provider is required to expeditiously identify the alleged infringer.

WAVE.BAND will disclose personally identifiable information about you when required by law or legal process, after giving effect to the Cable Act's requirements.

Time Period During Which We Retain Personally Identifiable Information. The Cable Act requires us to destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests by you for access to it or pending court orders or other legal process requiring that we disclose it to a third party. In most cases, this means that we will have personally identifiable information about you for so long as you are a subscriber and continue to retain it thereafter for as long as it may reasonably be required to comply with tax, accounting and any applicable contractual or legal requirements, which could be seven years or more after you stop being a subscriber.

Access to Our Records About You.

Under the Cable Act, cable subscribers have the right to inspect our records that contain personally identifiable information about them and to have a reasonable opportunity to correct any errors in such information. If you wish to exercise this right, please notify us at the local Wave Broadband office specified on your bill, and we will contact you to arrange a mutually convenient time during our regular business hours.

Your Rights Under the Cable Act.

The Cable Act provides you with a cause of action for damages, attorneys' fees and costs in Federal District Court if we violate the Cable Act's limitations on the collection, disclosure, and retention of personally identifiable information about you.

Contact Your Local WAVE.BAND office If You Have Questions. If you have any questions about our policies described in this Notice, please contact your local WAVE.BAND office at the address and telephone listed on your bill (or, if you have not yet been billed, on the service order you signed to subscribe to the service).