

# TPN Holdings LLC

## EU-U.S. Privacy Shield: Consumer Privacy Policy

**Last Updated: August 1, 2018**

TPN Holdings LLC (TPN) respect yours concerns about privacy. TPN participates in the EU-U.S. Privacy Shield framework (“Privacy Shield”) issued by the U.S. Department of Commerce. TPN commits to comply with the Privacy Shield Principles with respect to Consumer Personal Data the company receives from the EU in reliance on the Privacy Shield. This Policy describes how TPN implements the Privacy Shield Principles for Consumer Personal Data.

For purposes of this Policy:

“Consumer” means any natural person who is located in the EU, but excludes any individual acting in his or her capacity as an Employee.

“Controller” means a person or organization which, alone or jointly with others, determines the purposes and means of the processing of Personal Data.

“Employee” means any current, former or prospective employee, temporary worker, intern or other non-permanent employee of any subsidiary or affiliate of TPN, who is located in the EU.

“EU” means the European Union and Iceland, Liechtenstein and Norway.

“Personal Data” means any information, including Sensitive Data, that is (i) about an identified or identifiable individual, (ii) received by TPN in the U.S. from the EU, and (iii) recorded in any form.

“Privacy Shield Principles” means the Principles and Supplemental Principles of the Privacy Shield.

“Processor” means any natural or legal person, public authority, agency or other body that processes Personal Data on behalf of a Controller.

“Sensitive Data” means Personal Data specifying medical or health conditions, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, sex life, the commission or alleged commission of any offense, any proceedings for any offense committed or alleged to have been committed by the individual or the disposal of such proceedings, or the sentence of any court in such proceedings.

“Supplier” means any supplier, vendor or other third party located in the EU that provides services or products to TPN.

TPN's Privacy Shield certification, along with additional information about the Privacy Shield, can be found at <https://www.privacyshield.gov/>. For more information about Consumer Personal Data processing with respect to information obtained through TPN's website, please visit the [Online Privacy Notice](#)

### **Types of Personal Data TPN Collects**

TPN collects Personal Data directly from Consumers. This collection occurs, for example, when a Consumer visits TPN's website. The company may use this information for the purposes indicated in the [Online Privacy Notice](#).

The types of Consumer Personal Data TPN collects includes:

- Contact information, such as name, postal address, email address and telephone number; and
- Personal Data in content Consumers provide on TPN's website and other data collected automatically through the website (such as IP addresses, browser characteristics, device characteristics, operating system, language preferences, referring URLs, information on actions taken on our website, and dates and times of website visits).

In addition, TPN obtains Personal Data, such as contact information and financial account information, of its Suppliers' representatives. TPN uses this information to manage its relationships with its Suppliers, process payments, expenses and reimbursements, and carry out TPN's obligations under its contracts with the Suppliers.

TPN also may obtain and use Consumer Personal Data in other ways for which TPN provides specific notice at the time of collection.

TPN's privacy practices regarding the processing of Consumer Personal Data comply with the Privacy Shield Principles of Notice; Choice; Accountability for Onward Transfer; Security; Data Integrity and Purpose Limitation; Access; and Recourse, Enforcement and Liability.

### **Notice**

TPN provides information in this Policy and the [Online Privacy Notice](#) about its Consumer Personal Data practices, including the types of Personal Data TPN collects, the types of third parties to which TPN discloses the Personal Data and the purposes for doing so, the rights and choices Consumers have for limiting the use and disclosure of their Personal Data, and how to contact TPN about its practices concerning Personal Data.

Relevant information also may be found in notices pertaining to specific data processing activities.

### **Choice**

TPN generally offers Consumers the opportunity to choose whether their Personal Data may be (i) disclosed to third-party Controllers or (ii) used for a purpose that is materially different from the purposes for which the information was originally collected or subsequently authorized by the relevant Consumer. To the extent required by the Privacy Shield Principles, TPN obtains opt-in consent for certain uses and disclosures of Sensitive Data. Consumers may contact TPN as indicated below regarding the company's use or disclosure of their Personal Data. Unless TPN offers Consumers an appropriate choice, the company uses Personal Data only for purposes that are materially the same as those indicated in this Policy.

TPN shares Consumer Personal Data with its affiliates and subsidiaries. TPN may disclose Consumer Personal Data without offering an opportunity to opt out, and may be required to disclose the Personal Data, (i) to third-party Processors the company has retained to perform services on its behalf and pursuant to its instructions, (ii) if it is required to do so by law or legal process, or (iii) in response to lawful requests from public authorities, including to meet national security, public interest or law enforcement requirements. TPN also reserves the right to transfer Personal Data in the event of an audit or if the company sells or transfers all or a portion of its business or assets (including in the event of a merger, acquisition, joint venture, reorganization, dissolution or liquidation).

### **Accountability for Onward Transfer of Personal Data**

This Policy and the [Online Privacy Notice](#) describe TPN's sharing of Consumer Personal Data.

Except as permitted or required by applicable law, TPN provides Consumers with an opportunity to opt out of sharing their Personal Data with third-party Controllers. TPN requires third-party Controllers to whom it discloses Consumer Personal Data to contractually agree to (i) only process the Personal Data for limited and specified purposes consistent with the consent provided by the relevant Consumer, (ii) provide the same level of protection for Personal Data as is required by the Privacy Shield Principles, and (iii) notify TPN and cease processing Personal Data (or take other reasonable and appropriate remedial steps) if the third-party Controller determines that it cannot meet its obligation to provide the same level of protection for Personal Data as is required by the Privacy Shield Principles.

With respect to transfers of Consumer Personal Data to third-party Processors, TPN (i) enters into a contract with each relevant Processor, (ii) transfers Personal Data to each such Processor only for limited and specified purposes, (iii) ascertains that the Processor is obligated to provide the Personal Data with at least the same level of privacy protection as is required by the Privacy Shield Principles, (iv) takes reasonable and appropriate steps to ensure that the Processor effectively processes the Personal Data in a manner consistent with TPN's obligations under the Privacy Shield Principles, (v) requires the Processor to notify TPN if the Processor determines that it can no longer meet its obligation to provide the same level of protection as is required by the Privacy Shield Principles, (vi) upon notice, including under (v) above, takes reasonable and appropriate steps to stop and remediate unauthorized processing of the Personal Data by the Processor, and (vii) provides a summary or representative copy of the relevant privacy provisions of the Processor contract to the Department of Commerce, upon request. TPN remains liable under the Privacy Shield Principles if the company's third-party Processor onward transfer

recipients process relevant Personal Data in a manner inconsistent with the Privacy Shield Principles, unless TPN proves that it is not responsible for the event giving rise to the damage.

## **Security**

TPN takes reasonable and appropriate measures to protect Consumer Personal Data from loss, misuse and unauthorized access, disclosure, alteration and destruction, taking into account the risks involved in the processing and the nature of the Personal Data.

## **Data Integrity and Purpose Limitation**

TPN limits the Consumer Personal Data it processes to that which is relevant for the purposes of the particular processing. TPN does not process Consumer Personal Data in ways that are incompatible with the purposes for which the information was collected or subsequently authorized by the relevant Consumer. In addition, to the extent necessary for these purposes, TPN takes reasonable steps to ensure that the Personal Data the company processes is (i) reliable for its intended use, and (ii) accurate, complete and current. In this regard, TPN relies on its Consumers to update and correct the relevant Personal Data to the extent necessary for the purposes for which the information was collected or subsequently authorized. Consumers may contact TPN as indicated below to request that TPN update or correct relevant Personal Data.

Subject to applicable law, TPN retains Consumer Personal Data in a form that identifies or renders identifiable the relevant Consumer only for as long as it serves a purpose that is compatible with the purposes for which the Personal Data was collected or subsequently authorized by the Consumer.

## **Access**

Consumers generally have the right to access their Personal Data. Accordingly, where appropriate, TPN provides Consumers with reasonable access to the Personal Data TPN maintains about them. TPN also provides a reasonable opportunity for those Consumers to correct, amend or delete the information where it is inaccurate or has been processed in violation of the Privacy Shield Principles, as appropriate. TPN may limit or deny access to Personal Data where the burden or expense of providing access would be disproportionate to the risks to the Consumer's privacy in the case in question, or where the rights of persons other than the Consumer would be violated. Consumers may request access to their Personal Data by contacting TPN as indicated below.

## **Recourse, Enforcement and Liability**

In compliance with the Privacy Shield Principles, TPN commits to resolve complaints about our collection or use of your personal information. European Union individuals with inquiries or complaints regarding our Privacy Shield policy should first contact TPN (See contact information below under How to Contact TPN).

TPN has further committed to refer unresolved Privacy Shield complaints to EU Data Protection Authorities (EU DPA), an alternative dispute resolution provider located in the EU. If you do not receive timely acknowledgment of your complaint from us, or if we have not resolved your complaint, please contact or visit EU DPA for more information or to file a complaint. The services of EU DPA are provided at no cost to you.

TPN commits to cooperate with the EU data protection authorities and comply with the advice given by the EU data protection authorities with regard to human resources data transferred from EU [in the context of the employment relationship].

### **How to Contact TPN**

To contact TPN with questions or concerns about this Policy or TPN's Consumer Personal Data practices:

Write to:

TPN Holdings LLC  
1999 Bryan Street, Suite 3000  
Dallas, TX 75201

Or

TPN  
c/o Cosine UK Limited  
Waterslade House  
Thame Road  
Haddenham  
Bucks, HP17 8NT

E-mail: [privacy@tpnretail.com](mailto:privacy@tpnretail.com)