

Privacy Policy

The Effective Date of this Privacy Policy is **January 1, 2020**.

1. WHO WE ARE. Merchants Automotive Group d/b/a Merchants Fleet ("Merchants Fleet," "we," "us," or "our") provides customized, total fleet management and leasing solutions for business and government agencies. We provide a variety of services and solutions for our customers. We also maintain a publicly accessible website at <https://merchantsfleet.com> ("Site"). Through our Site, we provide information and resources; allow customers and users of our Site to contact us, and allow our customers to log into and access our TotalView online portal ("Services").

We understand that privacy is exceptionally important to the individuals that use our Site and Services. The purpose of this Privacy Policy is to plainly and transparently disclose to you how we collect, use and share information, and how we attempt to safeguard the data you provide to us. We are committed to securing data that we collect concerning you ("you") and complying with applicable data protection and privacy laws. We take steps to safeguard your information and communications from unauthorized intrusions and access.

2. HOW TO CONTACT US. Please contact us at any time with any questions or concerns about this Privacy Policy, or to exercise any of your rights under this Privacy Policy or applicable law.

Email us at: leasecontact@merchantsfleet.com

Mail us or call us at:

Merchants Fleet

PO Box 16415, 14 Central Park Drive, First Floor, Hookset, NH 03106

855.729.6713

3. PROTECTING YOUR PRIVACY GENERALLY. We take measures to monitor and update our privacy and data collection and storage policies and procedures to consistently meet or exceed industry security standards.

- a. USA. Our servers are located in the United States. Any information collected through our Site is stored and processed in the United States. If you use our Site or otherwise provide us with information from outside of the United States, you understand that your data will be transferred to, processed and stored in the United States.
- b. Industry-Standard Protection. We utilize industry-standard security measures to safeguard the information we collect, maintain and use. These measures include technical and procedural steps to protect your data from misuse, unauthorized access or disclosure, loss, alteration or destruction. However, Merchants Fleet does not guarantee the performance or adequacy of such security measures.
- c. Limitation on Access. Access to any personal information we collect and store is generally restricted to those employees and/or contractors who require it to perform a job or other contracted function. We require vendors and contractors we work with to use reasonable, industry standard protocols to maintain the confidentiality, security, and integrity of information.
- d. Children. We do not intentionally collect any personal information from children under the age of sixteen (16). If you are under 16, please do not use our website or provide personal information to us. If you wish to provide information to us and are under sixteen (16) years old, we first need verifiable parental consent. If we discover any personal information of children under sixteen has been collected without verifiable parental consent, we will immediately delete the information.

- e. Selling Data. We do not rent or sell your personal information to anyone. We may share your personal information with subsidiary companies within our corporate group.

4. WHY WE COLLECT AND HOW WE USE PERSONAL INFORMATION. We collect and share information from the users of our Site and Services to manage our contractual relationships, comply with legal obligations and/or because we have a legitimate business interest to do so. We collect and share information to: (a) provide our Site and Services; (b) provide information about our Services; (c) provide information about data security and privacy; (d) learn more about our customer's preferences; (e) enhance, personalize and support your experience on our Site; (f) enhance and develop our products and Services based on your direct comments and/or on the pages or information you view on our Site; (g) communicate with you; and (h) analyze the traffic to our Site.

We may provide you the opportunity to consent to receive commercial email from us related to our products or Services, or other information we believe you may be interested in receiving when you seek information from us. We will give you the opportunity to opt-out from receiving any unsolicited information from us or to limit the unsolicited information you receiving from us to information regarding our products and/or Services, or other information you have specifically requested.

5. COLLECTION OF INFORMATION. We collect and process the following information about you:

Information you give to us	Information we collect from you	Information we collect from you with third-party processors
<p>You provide information to us when you affirmatively provide it to us. For example, you provide information each time you: (a) request, obtain or purchase products or Services from us; (b) download any information from our Site; (c) fill in a form on our Site to contact us with an inquiry; (d) correspond with us by phone, e-mail or otherwise; (e) use our online Services and/or Site; (f) provide us with information requested by us for the verification of your identity; and (g) when you report a problem with our Site. We may also collect information about you when you when you participate in or register for one of our promotions, events or surveys.</p> <p>The type of information you give us may include your:</p> <ol style="list-style-type: none">1. Contact information (name, company name, title, mailing address, telephone,	<p>Each time you visit our Site, we may automatically collect the following information:</p> <ol style="list-style-type: none">1. technical information, including the Internet protocol (IP) address used to connect your computer to the Internet, browser type and version, location information, time zone setting, browser plug-in types and versions, operating system and platform; and2. information about your visit, including the full Uniform Resource Locators (URL) clickstream to, through and from our site (including date and time), pages you looked at or searched for, and the products and services you have viewed, ordered or searched including, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away	<p>We also collect information about you using the following third-party sources:</p> <ul style="list-style-type: none">• We utilize the Pardot tool provided by Salesforce, which is a marketing automation tool designed for business-to-business marketing. This tool allows us to track prospects, sales and engagement history with our customers. It also allows us to create emails. To learn more about this tool, visit www.pardot.com. <p>We ensure our third-party vendors have industry standard security protocol and are in compliance with applicable laws.</p> <p>We use this information to improve our sales process and communications with our customers and prospective customers. We also use this information to improve your experience on our Site(s).</p>

<p>electronic mail address, facsimile address);</p> <ol style="list-style-type: none"> Shipping information; Inquiry information; Business industry; Fleet size; Subject of any content downloaded; Desired lease term; Current program used; Service Interest; Vehicle Types; General comments; and Communications to and from you. <p>This information will be used in accordance with the purposes described in this Privacy Policy and in any applicable privacy notice provided to you at the time at which it was collected, subject to any preferences your affirmatively provide to use. Further details of how to update your preferences are below.</p>	<p>from the page and any phone number used to call us.</p> <p>More information on our use of cookies is provided below. More use of third party tools used to collect information is provided in the column to the right.</p> <p>We record and compile aggregate demographic data related to our users in order to manage the Services offered. We collect and analyse data about the use of the Site to improve service and to improve user experience. As set forth in the section on Cookies below, we also use other externally hosted services (e.g. Google Analytics) to collect data.</p>	
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6. COOKIES. We use “cookies,” a small text file transferred to your device, along with similar technologies (e.g., internet tag technologies, web beacons, embedded scripts) to help provide you a better, more personalized user experience. These technologies are used to:

- Make the user experience more user friendly;
- Remember your preferences (e.g., browsing language, usage preferences);
- Help us understand and improve how visitors use our Site(s), including which of our pages and products are viewed most frequently; and/or
- Improve our communications and experience for you.

The Options/Settings section of most internet browsers will tell you how to manage cookies and other technologies that may be transferred to your device, including how to disable such technologies. **Instructions for blocking or allowing cookies in common web browsers are provided at the links below:**

- [Internet Explorer 7 and 8](#)
- [Firefox](#)
- [Google Chrome](#)
- [Apple Safari](#)
- [AboutCookies.org](#)

We use the following cookies:

- **Strictly necessary cookies.** These are cookies that are required for the operation of our websites. They include, for example, cookies that enable you to log into secure areas of our websites, use a shopping cart or make use of e-billing services.
- **Analytical/performance cookies.** They allow us to recognize and count the number of visitors and to see how visitors move around our websites when they are using it. This helps us to improve the way our websites works, for example, by ensuring that users are finding what they are looking for easily.

- **Functionality cookies.** These are used to recognize you when you return to our websites. This enables us to personalize our content for you, greet you by name and remember your preferences (for example, your choice of language or region).
- **Targeting cookies.** These cookies record your visit to our websites, the pages you have visited and the links you have followed. We will use this information to make our websites and the advertising displayed on it more relevant to your interests. We may also share this information with third parties for this purpose.

Cookie name	Cookie Category	Purpose
ARRAffinity	HTTP	Used to distribute traffic to the website on several servers to optimize response times.
_at.hist.#	HTML	Used by the social sharing platform AddThis to store the user's usage history of the AddThis sharing widget.
_ga	HTTP	Registers a unique ID that is used to generate statistical data on how the visitor uses the website.
_gat	HTTP	Used by Google Analytics to throttle request rate.
-gid	HTTP	Registers a unique ID that is used to generate statistical data on how the visitor uses the website.
collect	Pixel Session	Used to send data to Google Analytics about the visitor's device and behaviour. Tracks the visitor across devices and marketing channels.
__#_cid	HTTP	Unclassified.

_atuvc	HTTP	Updates the counter of a website's social sharing features.
_atuvcs	HTTP	Ensures that the updated counter is displayed to the user if a page is shared with the social sharing service, AddThis.
_io_cid	HTTP	Unclassified.
_at.cww	HTML	Used by the social sharing platform AddThis.
_cc_aud	HTTP	Collects anonymous statistical data related to the user's website visits, such as the number of visits, average time spent on the website and what pages have been loaded. The purpose is to segment the website's users according to factors such as demographics and geographical location, in order to enable media and marketing agencies to structure and understand their target groups to enable customised online advertising.
_cc_cc	HTTP	Collects anonymous statistical data related to the user's website visits, such as the number of visits, average time spent on the website and what pages have been loaded. The purpose is to segment the website's users according to factors such as demographics and geographical location, in order to enable media and marketing agencies to structure and understand their target groups to enable customised online advertising.
_cc_dc	HTTP	Collects anonymous statistical data related to the user's website visits, such as the number of visits, average time spent on the website and what pages have been loaded. The purpose is to segment the website's users according to factors such as demographics and geographical location, in order to enable media and marketing agencies to structure and understand their

		target groups to enable customised online advertising.
_cc_id	HTTP	Collects anonymous statistical data related to the user's website visits, such as the number of visits, average time spent on the website and what pages have been loaded. The purpose is to segment the website's users according to factors such as demographics and geographical location, in order to enable media and marketing agencies to structure and understand their target groups to enable customised online advertising.
_dbefe	HTTP	Unclassified.
ab	HTTP	Unclassified.
anProfile	HTTP	Unclassified.
at-lojson-cache-#	HTML	Used by the social sharing platform AddThis.
at-rand	HTML	Used by the social sharing platform AddThis.
Audience	HTTP	Unclassified.
bh/rtset	Pixel Session	Unclassified.
engine	Pixel Session	Unclassified.
GPS	HTTP	Registers a unique ID on mobile devices to enable tracking based on geographical GPS location.
i	HTTP	Registers anonymised user data, such as IP address, geographical location, visited websites, and what ads the user has clicked, with the purpose of optimising ad display based on the user's movement on websites that use the same ad network.
IDE	HTTP	Used by Google DoubleClick to register and report the website user's actions after viewing or clicking one of the advertiser's ads with the purpose of measuring the efficacy of an ad and to present targeted ads to the user.
IQver	HTTP	Unclassified.
ljt_reader	HTTP	Collects data related to reader interests, context, demographics and other information on behalf

		of the Lijit platform with the purpose of finding interested users on websites with related content.
loc	HTTP	Geolocation, which is used to help providers determine how users who share information with each other are geographically located (state level).
lpv126991	HTTP	Unclassified.
pagead/1p-conversion/#	Pixel Session	Unclassified.
Pardot	HTTP	Unclassified.
PREF	HTTP	Registers a unique ID that is used by Google to keep statistics of how the visitor uses YouTube videos across different website.
profiles_engine/ProfilesEngineServlet	Pixel Session	Unclassified.
r/collect	Pixel Session	This cookie is used to send data to Google Analytics about the visitor's device and behavior. It tracks the visitor across devices and marketing channels.
site/#	Pixel Session	Unclassified.
sto-id-20480-bh	HTTP	Registers anonymised user data, such as IP address, geographical location, visited websites, and what ads the user has clicked, with the purpose of optimising ad display based on the user's movement on websites that use the same ad network.
sync	Pixel Session	Unclassified.
tap.php	Pixel Session	Registers data on visitor such as IP addresses, geographical location and advertisement interaction. This information is used optimize the advertisement on websites that make use of Rubicon Project-services.
test_cookie	HTTP	Used to check if the user's browser supports cookies.
u	HTTP	Collects data on user visits to the website, such as what pages have been accessed. The registered data is used to categorise the user's interest and demographic profiles in terms of resales for targeted marketing.
uid	HTTP	Registers a unique ID that

		identifies a returning user's device. The ID is used for targeted ads.
uvc	HTTP	Detects how often the social sharing service, AddThis, encounters the same user.
visitor_id#	HTTP	Unclassified.
visitor_id#	HTTP	Unclassified.
visitor_id#-hash	HTTP	Unclassified.
visitor_id#-hash	HTTP	Unclassified.
VISITOR_INFO01_LIVE	HTTP	Tries to estimate the users' bandwidth on pages with integrated YouTube videos.
w/1.0/sd	Pixel Session	Registers data on visitors such as IP addresses, geographical location and advertisement interaction. This information is used optimize the advertisement on websites that make use of <u>OpenX.net</u> services.
xtc	HTTP	Registers the user's sharing of content via social media.
YSC	HTTP	Registers a unique ID to keep statistics of what videos from YouTube the user has seen.
yt.innertube::nextId	HTML	Registers a unique ID to keep statistics of what videos from YouTube the user has seen.
yt.innertube::requests	HTML	Registers a unique ID to keep statistics of what videos from YouTube the user has seen.
yt-remote-cast-installed	HTML	Stores the user's video player preferences using embedded YouTube video.
yt-remote-connected-devices	HTML	Stores the user's video player preferences using embedded YouTube video.
yt-remote-device-id	HTML	Stores the user's video player preferences using embedded YouTube video.
yt-remote-fast-check-period	HTML	Stores the user's video player preferences using embedded YouTube video.
yt-remote-session-app	HTML	Stores the user's video player preferences using embedded YouTube video.
yt-remote-session-name	HTML	Stores the user's video player preferences using embedded YouTube video.

aa_px	Pixel Session	Unclassified.
dpx	Pixel Session	Unclassified.
uid_syncd	HTTP	Unclassified.

You may not opt-out of our use of the [Salesforce Pardot tool](#) unless you contact us directly and request to opt-out: at [\[insert email address\]](#).

Some third parties may also collect data from you through cookies and other related scripts. The use of third-party cookies is not covered by our Privacy Notice, as we do not have access or control over these cookies. You may visit the following links from our third-party partners to opt-out of their tracking and learn about their privacy practices:

IBM Digital Analytics:

- To view IBM's Software and Services Privacy Statement, please visit: <http://www-01.ibm.com/software/marketing-solutions/privacy/index.html>.
- IBM Digital Analytics presents users with the following three options for participating in data collection when the user enters the website: 1) full participation; 2) "opt-out" of data collection; or 3) anonymous participation.

Google Analytics:

- To view Google's privacy policy, please visit: <http://www.google.com/policies/privacy/>.
- To opt-out, please download and install the Google Analytics opt-out browser add-on by visiting: <https://tools.google.com/dlpage/gaoptout>.

Webtrends

- To view Webtrends privacy policy, please visit: <https://www.webtrends.com/terms-policies/privacy/privacy-statement/>
- To opt-out, please visit: <https://ondemand.webtrends.com/support/optout.asp>

Visual Website Optimizer

- To view Visual Website Optimizer's privacy policy, please visit: <https://vwo.com/privacy-policy/>
- To opt-out, please visit: <https://vwo.com/opt-out/>

Although not all cookies and similar technologies that we use are required for you to use the Site and/or Services, disabling these technologies altogether could prevent the Site / Services from working properly and disable features that allow you to take full advantage of the Site and Services we offer.

7. CONTACT FORM. We do not require users of our Site to register with or provide information to us in order to view the Site(s). Most information contained on the Site is available without supplying personal information. In the event you affirmatively act to provide your information to us, to contact us, to request additional information via the Site, email, or in person; to purchase solutions, or to use the Services, you agree to the terms of this Privacy Policy with respect to the collection and use of your contact and personal information for our legitimate business interests.

8. THIRD-PARTY SERVICE PROCESSORS. To ensure that your personal data receives an adequate level of protection, we have put in place appropriate procedures with the third parties we share your personal data with to ensure that your personal data is treated by those third parties in a way that is consistent with and which respects the applicable laws on data security and privacy.

9. WHAT HAPPENS IF YOU DON'T PROVIDE YOUR PERSONAL INFORMATION? If you choose to limit the information you provide to us (or, in some circumstances, provide no personal information at all, then we may be unable to provide you with the products, services or information you have expressed an interest in, or which we have a contract to provide to you. We may also be unable to provide you with access to some or all of our Site (or their functionality).

10. SECURING YOUR PERSONAL INFORMATION. Where we have given you (or where you have chosen) a password which enables you to access certain parts of our Site and/or Services, you are responsible for keeping this password confidential. We ask you not to share a password with anyone. Unfortunately, however, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our site; any transmission is at your own risk.

11. RETAINING YOUR PERSONAL INFORMATION. We will take steps to ensure that the personal information that we hold about you is retained for only as long as it is necessary for the purpose for which it was collected, unless there is a legal reason or other valid reason for which we maintain the information.

12. SOCIAL MEDIA AND OTHER WEBSITES YOU VISIT. This Privacy Policy only applies to our Site and does not apply to: (a) any social media posts or comments that you make which are about us, or addressed to us on social media platforms or websites (for example, Twitter, LinkedIn and Facebook). Any such posts or comments will be shared by you under the terms of the relevant social media platform or website on which they are published; or (b) third-party websites that we may link to, including advertisers. We recommend that you review the terms and conditions and privacy policies of the relevant social media platforms and other websites which you visit, to understand how they use your information.

13. DO NOT TRACK. Some internet browsers incorporate a “Do Not Track” feature that signals to websites you visit that you do not want to have your online activity tracked. Given that there is not a uniform way that browsers communicate the “Do Not Track” signal, the Site does not currently interpret, respond to or alter its practices when it receives “Do Not Track” signals.

14. HOW THE LAW PROTECTS YOU. Our business, systems and Site are designed to comply with all relevant and appropriate national and international legislation with regards to data protection and user privacy, including (without limitation) the General Data Protection Regulation (“GDPR”). The GDPR allows us to collect and use personal information from residents within the European Economic Area only for one or more of the following reasons:

1. To fulfill a contract we have with you;
2. When we have a legal duty;
3. When it is in our legitimate interest; or
4. When you provide consent.

15. YOUR RIGHTS IF YOU RESIDE IN THE EUROPEAN ECONOMIC AREA. If you reside in the European Economic Area, you have a number of rights under data protection laws in relation to the way we process your personal data. These are set out **below**. You may contact us directly to exercise any of these rights, and we will respond to any request received from you within one month from the date of the request. In very exceptional circumstances we may need to extend this timescale, but we will always tell you in advance if we do, and our reasons why.

Number	Description of your right
Right 1	A right to access personal data held by us about you, as well as information about how we are using your data.
Right 2	A right to require us to rectify any inaccurate personal data held by us about you.
Right 3	A right to require us to erase personal data held by us about you, and where the personal data has been made public, for other controllers processing the personal data to also erase links to, or copy or replication of, such personal data. This right will only apply where (for example): we no longer need to use the personal data to achieve the purpose we collected it for; or where you withdraw your consent if we are using your personal data based on your consent; or where you object to the way we process your data (in line with Right 6 below).
Right 4	A right to restrict our processing of personal data held by us about you. This right will only apply where (for example): you dispute the accuracy of the personal data held by us; or where you would have the right to require us to erase the personal data but would prefer that our processing is restricted instead; or where we no longer need to use the personal data to achieve the purpose we collected it for, but you require the data for the purposes of dealing with legal claims.
Right 5	A right to receive personal data, which you have provided to us, in a structured, commonly used and machine readable format. You also have the right to require us to transfer this personal data to another organisation, at your request.
Right 6	A right to object to our processing of personal data held by us about you (including for the purposes of sending marketing materials to you).
Right 7	<p>A right to withdraw your consent, where we are relying on it to use your personal data (for example, to provide you with marketing information about our services or products).</p> <p>If you have consented to receive communications from us, you can contact us at any time to have your details removed from lists used by us or to update your marketing preferences. Please email leasecontact@merchantsfleet.com and provide your name, email/telephone number/account number in the body of the email, telling us what you would like us to do. You can also click "unsubscribe" on any of our emails, and we will ensure we don't send you any communications of this nature in future.</p>

If you have any concerns regarding our processing of your personal information, or are not satisfied with our handling of any request by you in relation to your rights, please get in touch with our team through the contact information provided in Section 2 of this Privacy Policy. You also have the right to make a complaint to the Information Commissioner's Office ("ICO"). The ICO is the UK's independent body set up to uphold information rights. You can find out more about the ICO on its website (<https://ico.org.uk/>). Their address is:

First Contact Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

16. NOTICE TO CALIFORNIA RESIDENTS. If you reside in California, you have a number of rights under the California Consumer Privacy Act ("CCPA"). These are set out **below**. You may contact us directly to exercise any of these rights, and we will respond to any request received from you within applicable statutory timeframes. In some circumstances we may need to extend this timescale, but we will tell you in advance if we do, and our reasons why.

Description of your right
<p>The right to know what categories of personal information we collect about you and the sources from which we collect them.</p> <p>Sections 5 and 6 above describe the categories of information we collect, process, store and maintain, and the sources from which we gather that information.</p>
<p>The right to know the business purpose for which the personal information is collected.</p> <p>We collect and share information from the users of our Site and Services to manage our contractual relationships, comply with legal obligations and/or because we have a legitimate business interest to do so. We collect and share information to: (a) provide our Site and Services; (b) provide information about our products and Services; (c) provide information about data security and privacy; (d) learn more about our customer's preferences; (e) enhance, personalize and support your experience on our Site; (f) enhance and develop our products and Services based on your direct comments and/or on the pages or information you view on our Site; (g) communicate with you; and (h) analyse the traffic to our Site.</p>
<p>The right to know whether we sell or disclose your personal information, and if so, to whom.</p> <p>We do not sell the information we hold of California residents. However, we may disclose certain personal information for our business purposes, such as to process payment cards or fulfil orders. All third-parties with whom we share information are disclosed Sections 5 and 6 above.</p>

The right to say no to the sale of personal information.

We do not currently sell personal information. However, if you would like to formally opt-out of the sale of any personal information, you may do so here (leasecontact@merchantsfleet.com).

The right to access your personal information.

If you would like information on the specific pieces of personal information we have collected about you, we will provide that information to you after we are able to validate your request. To request this information: (identify and link to methods). You may make a request to know what personal information we collect for free up to twice a year. We will provide information responsive to your request within 45 days unless we reasonably believe we need an additional 45 days. Either way, we will respond to your requests within a 45 day period.

To protect your privacy, we will need to take steps to verify your identity.

The right to receive equal service and pricing from us, even if you exercise your privacy rights.

We do not have any pricing differentials at this time based on whether or not you exercise your access rights.

The right of deletion.

You have the right to request that we delete your personal information, subject to certain exceptions. After we receive and validate your request, we will delete your personal information, as well as direct our service providers to delete your personal information, unless an exception applies. Click [here](#) to delete your data or request deletion.

You may exercise any of the above rights on or after January 1, 2020, if you are a California resident and you provide us with a verifiable request to exercise any of the above rights. For more information, please see California Civil Code Sections 1798.80-1798.198.

If you have any questions about your rights or our disclosures under the CCPA, you may reach us at [\[leasecontact@merchantsfleet.com\]](mailto:leasecontact@merchantsfleet.com).

17. NOTICE TO UTAH RESIDENTS. We do not disclose a user's personal data to any third-party for such third-party's direct marketing purposes.

18. NOTICE TO NEVADA RESIDENTS. We do not sell your covered information, as defined by Section 1.6 of Chapter 603A of the Nevada Revised Statutes. If you reside in Nevada, you have the right to submit a request to our designated request address leasecontact@merchantsfleet.com regarding the sale of covered information.

19. CONSENT TO RECEIVE ELECTRONIC NOTIFICATIONS. Electronic communication is the most effective and timely way to provide the users of our Site with any optional or required

notifications and disclosures. In some circumstances, however, applicable laws may require us to send you disclosures or communications in paper format unless you have affirmatively consented to receiving electronic notifications only in advance of the notification. Through this Privacy Policy, pursuant to 15 U.S.C. § 7001, you hereby affirmatively consent to receive electronic notifications and disclosures from us only (without requiring a paper copy) and you represent that, to date, you have not withdrawn such consent. You have the right to change your mind and withdraw your consent at any time. If you would like to withdraw your consent to receive electronic notifications and/or would like to request paper copies of any electronic notifications you receive, please contact: leasecontact@merchantsfleet.com. To receive electronic records, you will need access to a smart phone, tablet, laptop or computer with Internet access and either email software (such as Microsoft Outlook) or access to a web-based electronic mail software platform, such as Gmail, Yahoo or other electronic mail provider.

20. DISCLAIMER OF WARRANTIES. YOU EXPRESSLY AGREE THAT YOUR USE OF THE SITE AND SERVICES IS AT YOUR SOLE RISK. THE SITE AND SERVICES ARE PROVIDED TO YOU ON AN "AS IS" AND "AS AVAILABLE" BASIS. WE EXPRESSLY DISCLAIM ALL WARRANTIES OF ANY KIND, WHETHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTIES REGARDING DATA PRIVACY OR DATA SECURITY.

21. LIMITATION OF LIABILITY. TO THE FULLEST EXTENT PERMITTED BY LAW, YOU EXPRESSLY AGREE THAT MERCHANTS FLEET SHALL NOT BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES, INCLUDING, BUT NOT LIMITED TO, DAMAGES FOR LOSS OF DATA, DATA BREACH, OR DISCLOSURE OF PERSONAL INFORMATION, EVEN IF MERCHANTS FLEET HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. YOU SPECIFICALLY AGREE THAT MERCHANTS FLEET IS NOT RESPONSIBLE OR LIABLE TO YOU OR ANYONE ELSE FOR ANY VIOLATION OF YOUR RIGHTS OR THE RIGHTS OF ANY OTHER PARTY, INCLUDING, BUT NOT LIMITED TO, INTELLECTUAL PROPERTY RIGHTS, RIGHTS OF PUBLICITY, OR RIGHTS OF PRIVACY. SOME JURISDICTIONS DO NOT ALLOW THE LIMITATION OR EXCLUSION OF LIABILITY FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES, THEREFORE SOME OF THE ABOVE LIMITATIONS MAY NOT APPLY TO YOU. IN ANY EVENT, IF MERCHANTS FLEET IS FOUND TO HAVE VIOLATED ANY OF YOUR RIGHTS, YOU ACKNOWLEDGE AND AGREE THAT ANY DAMAGES RECOVERABLE AGAINST MERCHANTS FLEET ARE LIMITED TO YOUR ACTUAL, PROVEN DAMAGES.

22. ARBITRATION; JURISDICTION AND VENUE. ANY DISPUTE, CONTROVERSY, OR CLAIM ARISING FROM THIS PRIVACY POLICY OR THE COLLECTION, USE, DISCLOSURE, LOSS OR MISUSE OF DATA SHALL BE RESOLVED ON A CASE-BY-CASE BASIS THROUGH FINAL AND BINDING ARBITRATION ADMINISTERED BY THE AMERICAN ARBITRATION ASSOCIATION UNDER ITS COMMERCIAL ARBITRATION RULES, PROVIDED THAT, WHERE LESS THAN \$250,000.00 IS AT ISSUE IN ANY SUCH DISPUTE, CONTROVERSY, OR CLAIM, THE ARBITRATION SHALL BE CONDUCTED BY ONE (1) ARBITRATOR. ALL SUCH ARBITRATION PROCEEDINGS SHALL TAKE PLACE IN [MERRIMACK COUNTY], NEW HAMPSHIRE. BY USING THE SITE AND/OR SERVICES, YOU WAIVE THE RIGHT TO PARTICIPATE IN ANY CLASS ACTION LAWSUIT AGAINST MERCHANTS FLEET IN CONNECTION WITH THIS PRIVACY POLICY OR ANY DATA COLLECTED, STORED, USED OR SHARED. IN THE EVENT THERE IS ANY LITIGATION RELATING TO THIS PARAGRAPH REQUIRING ARBITRATION OR ANY OTHER MATTER THAT IS FOUND NOT TO BE SUBJECT TO ARBITRATION, THEN THE PARTIES IRREVOCABLY AGREE THAT JURISDICTION AND VENUE IN ANY SUCH LAWSUIT SHALL PROPERLY (BUT NOT EXCLUSIVELY) LIE IN THE CIRCUIT COURT FOR [MERRIMACK, NEW HAMPSHIRE], OR THE UNITED STATES DISTRICT COURT FOR THE _____ DISTRICT OF NEW HAMPSHIRE, AND THE PARTIES IRREVOCABLY AGREE THAT VENUE WOULD BE

PROPER IN SUCH COURT AND HEREBY WAIVE ANY OBJECTION THAT SUCH COURT IS AN IMPROPER OR INCONVENIENT FORUM FOR THE RESOLUTION OF SUCH ACTION.

23. CHANGES TO THIS PRIVACY POLICY. We reserve the right to change the terms of this Privacy Policy. Any changes to our Privacy Policy will be placed here and will supersede this version of our Privacy Policy. By continuing to use our site, you agree to the terms of this and any updated versions of this Privacy Policy.