

## PRIVACY & INFORMATION SECURITY POLICY

THIS PRIVACY POLICY (“PRIVACY POLICY”) IS BETWEEN YOU AND FIRST GLOBAL XPRESS, LLC, ON BEHALF OF ITSELF, ITS SUBSIDIARIES AND ITS AFFILIATES (COLLECTIVELY, “FGX”, “WE”, “US”, OR “OUR”) DESCRIBES FGX’S TREATMENT OF INFORMATION, INCLUDING PERSONALLY IDENTIFIABLE INFORMATION (“PERSONAL INFORMATION”) THAT FGX COLLECTS FROM YOU WHEN YOU ARE ACCESSING AND/OR USING FGX’S WEBSITES, SOFTWARE AND MOBILE APPLICATIONS, INCLUDING THE WEBSITE: ‘WWW.FGX.COM’, AND THE SERVICE PORTAL: ‘FGX.FORCE.COM/SERVICE’, AND ALL AFFILIATE WEBSITES INCLUDING ‘WWW.FGXIT.COM’, ‘WWW.FGX.NYC’, ‘WWW.FIRSTGLOBALXPRESS.COM’, ETC. (COLLECTIVELY REFERRED TO IN THIS PRIVACY POLICY AS, THE “SITE”), ALL DATA AND CONTENT THAT IS ACCESSED, UTILIZED, INPUT, OR GENERATED BY THE SITE. BY ACCESSING AND/OR USING THE SITE, YOU AGREE THAT INFORMATION YOU HAVE PROVIDED, OR PROVIDE IN THE FUTURE, INCLUDING BUT NOT LIMITED TO PERSONAL INFORMATION, MAY BE USED AND DISCLOSED AS DESCRIBED BELOW.

### WHAT TYPES OF PERSONAL INFORMATION DOES FGX GATHER?

All information that you input when accessing and/or using the Site is subject to collection and storage by FGX. Such information may include, but is not limited to, your name, company name, your job title, email, physical address, and telephone number.

We collect information from you when you use our web-based tools such as the FGX Service Portal, when you subscribe to any of our newsletters or email alerts, or fill out a form.

We may also automatically collect information regarding your interaction with, and use of, the Site. We may use a variety of methods to collect this information, including, but not limited to, cookies, pixel tags, Web beacons, embedded Web links and other commonly used information gathering tools (“Automatic Data Collection Tools”). These Automatic Data Collection Tools collect certain standard information that your browser sends to us such as your browser type and language, access times, IP address, user-agent string and click stream behavior.

Information may be collected by us or by our vendors who provide internet hosting for the Site. We may combine information you give us with other information from FGX sources, transactions and communications. We may also combine that information with data that is publicly available and data from third parties.

### CUSTOMER ACCOUNT INFORMATION

Currently, you may use the Site without having to first register with us or create an account. This may change as we expand the Site to provide a better and more personalized experience to our customers and visitors. You will receive notice of any changes to this policy pertaining to registration and account set up in accordance with the “Changes” Section of this Privacy Policy. At such time as you may create an account in connection with this Site, you consent to our processing of your account data for the reasons stated in this policy.

You will be solely responsible for maintaining the confidentiality and security of your account and password and for all activities that occur on or through your account, and you agree to immediately notify FGX of any security breach of your account.

### WHAT DOES FGX DO WITH THE PERSONAL INFORMATION IT RECEIVES FROM ME?

FGX may collect and use the information about you and your company and company’s operations collected through the Site, as well as other information obtained from our website to do the following either directly or from or through our parent company or any affiliated company:

**Enable Your Use of the Site and Provide Assistance.** We may use your information to communicate with you regarding our products and services, your account information or other customer service matters; to respond to your questions and instructions; and to enhance, customize, and personalize your experiences and communications with us.

**Operate, Improve and Analyze.** We may use your information to operate, provide, improve and maintain our products and services, including analyzing user behavior and trends; to send you administrative messages and other information

about FGX and its product offerings; to investigate or take action regarding violations or suspected violations of law or our terms; and to maintain the integrity of our network and address security issues.

**Marketing and Promotion.** We may use your information to communicate with you about products and services; administer surveys or other features; and display relevant marketing to you. Information collected from any source may be combined to improve products and services and enable more targeted, tailored communications. It may also be aggregated and made available without identifying you to ascertain trends, products, security/privacy patterns and research, internal record keeping and reporting, measuring and reporting learning, performance and other statistical information concerning any aspect of our Services and the Site.

### **DOES FGX SHARE THE PERSONAL INFORMATION IT RECEIVES?**

Information about our customers is an important part of our business and we are not in the business of selling it to others. We share customer information only as described below.

We may provide your information to our subsidiaries and affiliates (the “FGX Companies”). Unless not permitted by applicable law, all companies within the FGX Companies share information collected through the Site and may contact you directly.

We employ other companies (including our affiliates) and individuals to perform functions on our behalf. FGX works with a global network of carriers, agents, and brokers (our “partners”) who provide operational services in support of our logistical offerings. Our partners are contractually required to use any data they can access only for operational purposes and to never disclose these data to third parties.

We release Personal Information when we believe release is appropriate to comply with the law; enforce or apply Privacy Policy and other agreements; or protect the rights, property or safety of our company, our users or others. This includes exchanging information with other companies and organizations for fraud protection and credit risk reduction. Obviously, however, this does not include selling, renting, sharing or otherwise disclosing personally identifiable information from customers for commercial purposes in a way that is contrary to the commitments made in this Privacy Policy.

If our company is acquired by or merged with or into another entity, or if our assets or business is sold or transferred to another entity, your personal information may be transferred to such entity as part of the transaction, and that entity and its affiliates may use your personal information under the terms of their own privacy policies which may differ from this Privacy Policy.

Other than as described above, you will receive notice when information about you might go to third parties and you will have an opportunity to choose not to share the information. We will not share your personal information for this purpose without your prior consent.

### **DATA RETENTION AND OPTING-OUT**

We may collect and store your data for as long as you continue to access the Site and/or use the Services. You are not required to provide Personal Information in order to access the Site and/or view information regarding the services but must provide Personal Information in order to obtain services from us via communications made through the Site. Please note that after you cease to access the Site, your data is not automatically deleted and will continue to exist, with all information associated with your account being subject to use, sharing, and retention as stated in this Privacy Policy.

### **INFORMATION SECURITY**

Information security is important to FGX. We have established appropriate physical, electronic and managerial safeguards to protect the information we collect from you or about you. These safeguards are regularly reviewed to protect against unauthorized access, disclosure and improper use of your information, and to maintain the accuracy and integrity of that data. We use a variety of security measures, including encryption and authentication tools, to help protect your information. However, like other companies, FGX cannot guarantee 100% the security or confidentiality of

the information you provide to us. Consequently, while we endeavor to safeguard your Personal Information against unauthorized access and disclosure, we do not warrant or guarantee the absolute security of any Personal Information you transmit to, from or through the Site. In the event that we become aware of a security breach involving your Personal Information stored by or for us, we may notify you by posting such information to the Site or via email, to the extent available in connection with the Services.

### THIRD PARTY PRIVACY POLICIES

Once you leave this Site, whether independently or via links from the Site, the privacy policies of the Website to which you migrate will apply. This Privacy Policy applies to your interactions with this Site only.

### INTERNATIONAL USERS AND STATE RESTRICTIONS

Our operations are conducted within the United States. Regardless of where you live, you consent to have your Personal Information transferred, processed and stored in the United States, and allow FGX to use and collect your personal information in accordance with this Privacy Policy. Please note that the Site is not intended for use by a person in any state or country where such use would be contrary to local laws or regulations.

**International Users:** If you access the Site outside the United States, your connection may be through and to servers located in your country or the United States. Any Personal Information you provide may be processed and maintained in the United States on servers and/or other network systems operated by or for FGX's benefit. IF THE JURISDICTION IN WHICH YOU ARE LOCATED OR YOUR COUNTRY OF ORIGIN HAS LAWS OR REGULATIONS WHICH REQUIRE THAT YOUR PERSONAL INFORMATION BE RECEIVED, USED, SAVED, TRANSFERRED AND/OR OTHERWISE HANDLED IN A MANNER DIFFERENT THAN AS STATED IN THESE THIS PRIVACY POLICY, THEN YOU ARE NOT AUTHORIZED TO UTILIZE THE SERVICES. If you access the Site from and/or reside outside of the United States, your information may be stored, transmitted and shared in accordance with U.S. data privacy laws which may not be equivalent to those in effect in your country. YOU EXPRESSLY AGREE THAT YOU WILL NOT USE THE SITE WITH ANY EXPECTATION OF GREATER PRIVACY RIGHTS THAN THOSE TO WHICH YOU HAVE EXPRESSLY AGREED AS STATED IN THIS PRIVACY POLICY.

**Notice to California residents about your California privacy rights:** In addition to the other rights described in this policy, if you are a customer residing in California, you have the right to request information regarding the third parties with whom FGX has shared customer personal information for direct marketing purposes during the past year. You have the right to submit a request to FGX at its designated address and receive the following information within 30 days of its receipt of that request: (1) the types of personal information disclosed to third parties during the immediately preceding calendar year, (2) the names and addresses of third parties that received the personal information, and (3) if the nature of a third party's business cannot be reasonably determined from the third party's name, examples of its products or services. You are entitled to receive a copy of this information in a standardized format. Information provided will not be specific to you individually. All such requests must be in writing and sent to FGX's designated contact information set forth in the "Connect" Section.

### APPLICABILITY TO CHILDREN

FGX takes the privacy of children seriously. The Site is not directed at children, we do not knowingly collect personal information from children under the age of 13 through the Site and we request that children under the age of 13 not download the Site or submit any personal information through the Site. If we are advised in writing that we have inadvertently received or collected personal information from a child under 13 years of age, we will remove such information from our database.

### CHANGES

We may update this Privacy Policy from time to time without prior notice. Any changes to our Privacy Policy will become effective upon posting of the updated Privacy Policy on our website at [www.fgx.com](http://www.fgx.com). We encourage you to bookmark our Internet sites and to periodically review them to ensure familiarity with the most current version of our Privacy Policy. We may ask you to affirmatively acknowledge consent to any changes to this Policy (e.g., by checking a box or clicking a button) at the time of your next interaction with the Site that requires provision of Personal Information as a condition of continuing use of the Site.

## **GOVERNING LAW**

The Site and this Privacy Policy are governed by the laws of the State of New York and all disputes shall be subject to the jurisdiction of the courts serving New York County, New York. The parties agree to waive all right to a jury trial in connection with disputes arising under this Privacy Policy. In no event shall FGX ever be liable to you for indirect, consequential, or punitive damages and FGX's maximum liability to you in connection with this Privacy Policy shall be \$100. The laws of some jurisdictions may make the foregoing inapplicable to you.

## **CONTACT US**

If you have any questions regarding privacy while using the Site, or otherwise need to contact us about anything related to this Privacy Policy, please contact us at: [systems@fgx.com](mailto:systems@fgx.com) or (212) 352-9390.