

## **Briggs & Stratton Privacy Policy For Energy Storage Systems Products And Related Services**

SimpliPhi Power, Inc., Briggs & Stratton, LLC, and their wholly owned subsidiaries (collectively, the “Company”) take your privacy seriously. We want our customers (“Customers”) who purchase the Company’s energy storage system products (“Products”) and utilize cloud-based software services to enable certain features on the Products (“Related Services”) to know how we process their personal information. This Privacy Policy provides you with more information about the following topics:

- The Personal Information We Collect And How We Use It
- How We May Disclose The Personal Information We Collect
- How We Protect Your Personal Information
- How Long We Retain Your Personal Information
- Information Specific To Your Region
- Contact Us/Questions
- Changes To This Privacy Policy

### **The Personal Information We Collect And How We Use It**

When enrolling to use the Products and Related Services, Customers are required to provide their name, date of birth, home address, phone number, and email address. In addition, through Customers’ use of Related Services, the Company will collect information regarding the way in which Customers utilize the Products, including but not limited to, meter readings, the times the Products are used each day, and the source of the power the Customer is utilizing for the Product (e.g., solar or the electric grid).

The Company will process your personal information as necessary for Product-related purposes and to provide the Related Services. These purposes include, for example, the following:

- remote management and monitoring
- troubleshooting and reconfiguration
- research
- operation
- control of the Products
- Product improvement

### **How We May Disclose The Personal Information We Collect**

We will not sell or rent your personal information. The Company will maintain the confidentiality of your personal information and will not disclose it to third parties except in the following limited circumstances:

- Third-Party Service Providers: We will share your personal information with third-party service providers under contract with the Company to help us provide the Products and Related Services to you. We require these third-party service providers, by written

agreement, to provide protections for your personal information similar to the protections that we provide.

- Required Disclosures: We may be required to share personal information in a court proceeding; in response to a court order, subpoena, civil discovery request, or other legal process; or as otherwise required by law.
- Legal Compliance and Protections: We may disclose personal information when we believe disclosure is necessary to comply with the law or to protect the rights, property, or safety of the Company, other users, or others. This includes exchanging personal data with other companies and organizations for fraud protection and credit risk reduction.
- Corporate Transactions: We may disclose personal information in connection with a corporate transaction, such as a merger, consolidation, bankruptcy, the sale of substantially all of our assets, or other corporate change, including to any prospective purchasers subject to an appropriate confidentiality agreement.

## **How We Protect Your Personal Information**

The Company is committed to safeguarding your personal information and takes reasonable precautions to protect the personal information in the Company's possession from loss, misappropriation, unauthorized access, disclosure and destruction.

The Company utilizes a combination of online and offline security technologies, procedures and organizational measures to help safeguard your personal information. For example, facility security is designed to prevent unauthorized access to Company computers. Electronic security measures — including, for example, network access controls, passwords, and access logging — provide protection from hacking or other unauthorized access. The Company also protects information through the use of firewalls, role-based restrictions, and, where appropriate, encryption technology. The Company also limits access to personal information to employees and service providers that have a specific business reason for accessing such information. Individuals who have been granted access to personal information will be made aware of their responsibilities to protect such information and will be provided training and instruction on how to do so.

It is important for you to protect against unauthorized access to your account password and to your computer. Be sure to close your browser after you have completed your use of the Related Services.

Please note that despite our reasonable efforts, no security measure is ever perfect or impenetrable, so we cannot guarantee the security of your personal information.

## **How Long We Retain Your Personal Information**

We retain your personal information for as long as you use our Products and Related Services. After our relationship with you ends, we will retain your personal information for an additional ten (10) years to ensure the smooth termination of the service relationship, for our internal recordkeeping purposes, and in the event of any disputes.

## **Your Choices Regarding Your Personal Information**

You may choose to update, correct and delete your personal information in your account profile through your account. You also may contact us at [privacy@basco.com](mailto:privacy@basco.com) to request that we update, correct, or delete your personal information. We will respond to your request in compliance with applicable law.

## **Information Specific To Your Region**

### For California Residents

Please refer to Section 7 of the Briggs & Stratton LLC Privacy Policy (which can be found here [https://www.briggsandstratton.com/na/en\\_us/privacy-policy.html](https://www.briggsandstratton.com/na/en_us/privacy-policy.html)) for more information about your rights under the California Consumer Privacy Act.

### For Non-U.S. Residents

#### Cross-Border Transfers Of Your Personal Information

When you create an account, otherwise submit personal information for purposes of the Products or Related services, and use the Products and Related Services, your personal information will be uploaded to servers maintained in the United States by the Company or by its service providers. The Company will process the transferred personal information only as permitted by this Privacy Policy and in accordance with U.S. law. Please understand that the protections for personal information under U.S. law may be different from the protections under the laws of the country where you reside. When you consent to the processing of your personal information as described in this Privacy Policy, you also consent to the transfer of your personal information to the United States.

#### Legal Bases For Processing Your Personal Information

Performance Of Contract: The Company processes your personal data as necessary to: (a) perform its contract with you - for example, to provide you with the Products and Related Services; or (b) to enter into a contract with you - for example, to respond to your questions about the Products and Related Services and to submit a proposal to you.

Consent: When processing of your personal information may not be necessary to enter into, or perform a contract with you, the Company relies on your consent to process your personal information. You may contact us, at any time, at [privacy@basco.com](mailto:privacy@basco.com) to withdraw your consent for the processing of your personal information. Any withdrawal will apply only prospectively, and the Company will continue to retain the information you provided before withdrawing your consent for as long as allowed or as required by applicable law. Please understand that if you withdraw your consent, and the Company does not have an alternative lawful basis for processing your personal information, the Company may not be able to provide you with the Products and Related Services or may need to limit the Products or Related Services that are available to you.

#### Your Data Protection Rights

The data protection laws of the country where you reside may provide you with certain rights in relation to your personal information. These rights generally include the right to access your

personal information (i.e., to request copies) and the right to update, correct and/or delete the personal information that we maintain about you. Some data protection laws also provide a right to cancel or block the processing of your personal information, to object to the processing of your personal information, or to restrict the use or transfer of your personal information.

You can submit a request to exercise these rights to [privacy@basco.com](mailto:privacy@basco.com). The Company will respond to your request subject to any applicable exceptions and in compliance with applicable data protection law.

### **Contact Us/Questions**

If you have any questions about how we handle your personal information in connection with the Products or Related Services or about this Privacy Policy, please contact us at [privacy@basco.com](mailto:privacy@basco.com).

### **Changes To This Privacy Policy**

The Company may revise this Privacy Policy at any time. If we decide to materially change this policy, we will post the revised policy at this location. If, at any point, we decide to make any material changes in the way we process your personal information, we will make that information available by posting a notice on our website. In addition, we will provide a prominent notice of such changes with the effective date of the changes, and where required by law, obtain your consent to these changes before they go into effect.

**Last Updated:** July 15, 2022