



Privacy Policy

What This Privacy Notice Covers

This Notice describes the practices of Henderson Municipal Power and Light ("HMP&L") Fiber Department and its subsidiaries providing services with respect to your "personally identifiable information" and certain other information. Personally identifiable information is information that identifies you and that you have furnished to us or that we have collected in connection with your receipt of our services. Personally identifiable information does not include aggregate or anonymous data or any individual bits of data that do not identify you. This Notice applies to all of our commercial subscription fiber services, including voice, telecommunications, and data (collectively and individually, "HMP&L Services"), whether provided individually or as part of a bundle of services.

This Notice also discusses your Customer Proprietary Network Information ("CPNI"). This is information about you that we obtain solely in connection with your receipt of our Digital Phone, Business Class Phone or commercial telecommunications services ("Phone Services"). CPNI consists of the information contained in your Phone Services bill and any other information about the quantity, technical configuration, type, destination, location and amount of your use of Phone Services. If you are a Phone Services customer, we have a duty under federal law to protect the confidentiality of your CPNI and you have the right to have the confidentiality of your CPNI so protected.

This Notice does not cover information that we may collect from our Internet portals and websites, or any applications, web services or tools that you download or access from these portals and websites. When you access third parties' online content or services, your personally identifiable information may be transmitted to them. The policies described in this Notice do not apply to these third parties, which may have their own privacy policies.

This Notice does not cover third party on-line services that you may purchase with our data services (e.g., the services of other on-line providers ("OLPs")). These OLPs may have their own privacy policies.

Our website always contains the most current version of this Notice. See <https://hmplfiber.com>. We also provide you with a copy of our Notice upon initiation of service. You may also obtain a copy of the current Notice by contacting your local HMP&L office or requesting one through support@hmpl.net.

We may modify this Notice at any time. If we do, we will update it on this web site. If you continue to accept our services after a change, then you are deemed to have accepted the change. Six areas are covered by this Notice:

- the nature of personally identifiable information and CPNI collected about you and the way such information is used;
- the nature, frequency, and purpose of any disclosure that may be made of such information;
- disclosure of such information to governmental entities and through legal process;
- the period of time during which such information will be maintained;
- the times and place you may have access to the information collected; and
- your rights under the Communications Act.

1. Collection and Use of Personally Identifiable Information and CPNI

1A. Personally Identifiable Information

Under the Communications Act of 1934, as amended (the "Communications Act"), we may collect personally identifiable information (described below) over our system without your consent if it is necessary to provide our services to you or to prevent unauthorized access to services or subscriber data and we may collect other information that you consent to our collecting and that we will use as you direct. Below is a description of the information that we may collect, using the system or otherwise, about our users in order to provide our services and to prevent unauthorized access to our services.

Personally identifiable information: In order to provide any of our services to you, we may need to collect data about you, including your name; e-mail and work addresses; home, cellular and work telephone numbers; social security number; driver's license number; credit, credit card, debit card and bank information; billing and payment information; records of damage and security deposits; records of maintenance and repairs; the number and type of network equipment at your place of business (collectively, "HMP&L Equipment"); the number of telephones, computers and other equipment of yours that are connected to HMP&L Equipment or that receive the HMP&L Services (collectively, "Customer Equipment "); the location and configuration of Customer Equipment; the service options you have chosen; the features and services you have utilized; identifying information associated with the HMP&L Equipment (e.g., a serial number and/or MAC address of each piece of equipment installed); performance history associated with the HMP&L Equipment; whether you rent or own your place of business (as this may impact installation issues); subscriber correspondence; records of violations and alleged violations of our terms of service; customer research and satisfaction data; and information from third parties that is commercially available, such as age, income and other demographic information.

We may remotely check the HMP&L Equipment and the Customer Equipment for purposes that include diagnostics and network security and maintain records of the results.

Other information:

Our system, in delivering and routing Digital or Business Class Phone service calls, may automatically log information concerning telephone numbers you call, telephone numbers from which you receive calls, the duration of such calls, the service features and functions you use, the frequency of such use and other CPNI for the uses described below.

The data that we collect from you, as described above, may be used, depending on the nature of the data, for various purposes such as the following: to make sure you receive the services you have requested; to make sure you are being billed properly for the services you receive; to send you pertinent information about our services; to maintain or improve the quality of the HMP&L Equipment and the HMP&L Services; to answer questions from subscribers (e.g., for troubleshooting); to ensure compliance with relevant law and contractual provisions; to market HMP&L Services and other products that you may be interested in; and for tax and accounting purposes.

1B. Customer Proprietary Network Information ("CPNI")

We may, from time to time, use the CPNI generated in furnishing Phone Services to you to provide you with information about, and to market to you, communications-related products or services that are within the same category of service to which you already subscribe. For instance, we may use the CPNI generated in furnishing Digital Phone telephone service to you to provide you with information about, and to market to you, other telephone service offerings. You have the right to restrict our use of your CPNI for such purposes. If you wish to do so, please notify us in writing at our main office. Please include your name, account number, telephone number and address on any written request. If you do not notify us within 30 days of this notification that you wish to restrict our use of your CPNI, we will assume that you approve of our use of CPNI for this purpose.

We will not use your CPNI to offer products or services, that the FCC classifies as non-communications related or that are offered by other companies or by joint ventures in which we participate, to you without your permission. You may, for example, be asked during a telephone call with one of our customer service representatives for your permission to use your CPNI for the purpose of providing you with an offer. If you provide your permission orally, electronically or in writing, we will use or disclose the CPNI only for the duration of that telephone call in order to offer you additional services.

Please note that if you otherwise deny or restrict our use of your CPNI, it will not affect our provision to you of any HMP&L Services. Any permission or denial of permission to use your CPNI remains valid until such time as your Phone Services are discontinued or we receive your notice withdrawing permission.

2. Disclosure of Personally Identifiable Information and CPNI

Under the Communications Act, we may only disclose personally identifiable information covered by the Act without your prior written or electronic consent if: (1) it is necessary to render, or conduct a legitimate business related to, the services that are provided to you; (2) such disclosure is required by law; or (3) for mailing lists, subject to the conditions described below. We may also disclose personally identifiable information and CPNI when you consent to the disclosure. Below is a description of our disclosure practices.

In the course of providing HMP&L Services to you, we may disclose your personally identifiable information to our employees, related legal entities, agents, vendors acting under our direction, including repair and installation subcontractors, sales representatives, accountants, billing and collection services, and consumer and market research firms, credit reporting agencies and authorized representatives of governmental bodies. We may also disclose such information to advertisers and vendors for purposes of carrying out transactions you request. Upon reasonable request, personally identifiable information may be disclosed to persons or entities with an equity interest in our related legal entities when they have a legal right to inspect our books and records. Also, if we enter into a merger, acquisition or sale of all or a portion of our assets, your personally identifiable information may be transferred as part of the transaction.

In addition, if you receive our data service, information, including IP addresses, may be disclosed to third parties in the course of providing the service to you. Recipients of such information may include, in addition to those persons listed above, entities that provide content and/or services to us or your OLP.

If you are a Phone Services customer, we must disclose certain items of your personally identifiable information and CPNI to 911 services and to you or your designee upon your express authorization. We will also disclose limited personal information to telephone companies so that your calls can be properly routed. When you dial a toll-free number, the party you are calling may identify your telephone number using a telephone network technology called Automatic Number Identification (ANI). FCC rules prohibit parties that receive calls on toll-free numbers from distributing these telephone numbers.

Your name, address and/or phone number are provided to those you call in connection with Caller ID functions. We will provide your name, phone number and address to directories and 411 services. If you subscribe to our Private Listing service, we will take reasonable precautions to ensure that your information is not provided, but we cannot guaranty that errors will not occur. If you would like more information on the Private Listing service, please contact your local HMP&L office.

3. Disclosure of Information to Governmental Entities and Other Legal Process

HMPL makes every reasonable effort to protect subscriber privacy as described in this Policy. Nevertheless, as set out below, HMPL may be required by law to disclose personally identifiable information about you without your consent and without notice in order to comply with a valid legal process such as a subpoena, court order, or search warrant. HMPL may also use or disclose personally identifiable information about you without your consent to protect our customers, employees, or property, in emergency situations, to enforce our rights in court or elsewhere, or directly with you, and for violations of HMP&L's policies. Federal law also requires us to disclose personally identifiable information to a governmental entity or other third parties pursuant to certain legal process. Generally, this process requires a court order and, if the order is sought by a governmental entity, you are afforded the opportunity to contest in court any claims made in support of the court order sought, and the governmental entity must offer clear and convincing evidence that the



subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case. However, there are exceptions to this general rule in areas including the Electronic Communications Privacy Act, which allows personally identifiable information to be obtained in some circumstances by governmental entities through a subpoena, warrant or court order; welfare laws, which allow state welfare agencies to obtain by administrative subpoena the names and addresses of individuals who owe or are owed welfare support; child pornography statutes, which impose an affirmative duty on us to disclose certain information upon knowledge; and counterintelligence laws, which require us to provide information based on National Security Letters. At times, laws like these or specific court orders may require that we not disclose to you the existence of demands for your personally identifiable information. We will honor these laws and orders. We will comply with legal process when we believe in our discretion that we are required to do so. We will also disclose any information in our possession to protect our rights, property and/or operations, or where circumstances suggest that individual or public safety is in peril.

4. Time Period That We Retain Personally Identifiable Information

We maintain personally identifiable information about subscribers for as long as it is necessary for business purposes. This period of time may last as long as you are a subscriber and, if necessary, for additional time so that we can comply with tax, accounting and other legal requirements. When information is no longer needed for these purposes, it is our policy to destroy or anonymize it.

5. Access to Records

Under the Communications Act, you have the right to inspect our records that contain personally identifiable information about you and to correct any errors in such information. If you wish to inspect these records, please notify us in writing and an appointment at our main office will be arranged during our regular business hours.

6. Your Rights Under the Communications Act

We are providing this Notice to you in accordance with the Communications Act. The Communications Act provides you with a cause of action for damages, attorneys' fees and costs in federal District Court should you believe that any of the Communications Act's limitations on the collection, disclosure, and retention of personally identifiable information have been violated by us. Your Fiber Service Agreement contains your agreement that, to the extent permitted by law, any such claims will be decided in arbitration and attorneys' fees and punitive damages will not be available.