

# Privacy Policy

Last Updated: June 12, 2022

## Michael D. Machado Enterprises Inc., dba Santa Cruz Motors

Welcome to Michael D. Machado Enterprises Inc., dba Santa Cruz Motors (“**Santa Cruz Motors**,” “**we**,” “**us**” or “**our**”). Our dealership takes your privacy seriously and we are committed to safeguarding your privacy both online and at our dealership. Because we gather certain types of personal information from visitors to our web site (the “**Site**”) and to our dealership (the “**Services**”), we have developed this privacy policy (the “**Privacy Policy**”) to help you understand the terms and conditions surrounding the collection and use of your personal information. This Privacy Policy discloses the types of personal information gathered by us both online and offline, how it is used, and how you can gain access to and edit any data that we’ve collected about you at any time. We will make every reasonable effort to avoid excessive or irrelevant collection of data. By using the Services, you acknowledge that you have read and agree to be bound by this Privacy Policy. If you do not agree to this Privacy Policy, please do not use the Services.

PLEASE NOTE THE ARBITRATION PROVISION SET FORTH BELOW, WHICH, EXCEPT WHERE AND TO THE EXTENT PROHIBITED BY LAW, REQUIRES YOU TO ARBITRATE ANY CLAIMS YOU MAY HAVE AGAINST SANTA CRUZ MOTORS ON AN INDIVIDUAL BASIS. ARBITRATION ON AN INDIVIDUAL BASIS MEANS THAT YOU WILL NOT HAVE, AND YOU WAIVE, THE RIGHT FOR A JUDGE OR JURY TO DECIDE YOUR CLAIMS, AND THAT YOU MAY NOT PROCEED IN A CLASS OR CONSOLIDATED CAPACITY.

# Privacy Policy

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## Introduction

Michael D. Machado Enterprises Inc., dba Santa Cruz Motors (“**Santa Cruz Motors**,” “**Dealership**,” or “**we**” or “**us**”) respects your privacy and the information that you have entrusted to us. This Privacy Policy describes our collection, use and disclosure of the information we may collect from you whenever you visit the Dealership’s physical location or website (hereinafter “**Site**”), or otherwise access any of our other products, services, and content (hereinafter “**Services**”). This Privacy Policy applies to all visitors and customers of our Site, including those consumers and/or customers who apply for and/or receive financing for personal, family or household purposes. If you become an inactive customer, or if we close or suspend your account, we will continue to adhere to the Privacy Policy in place when we collected your personal information as long as we retain it in our databases. We may delete any or all of your information at any time without notice to you or for any reason or no

reason unless we are otherwise required by law or retain it. You may have other privacy protections under state laws and we will comply with any applicable state laws when we disclose information about you.

## Sections

This Privacy Policy is comprised of the following sections.

Section 1 – California Consumer Privacy Act Disclosures

Section 2 – Other Important Privacy Disclosures

## Section 1 - California Consumer Privacy Act Disclosures

### Notice of Collection

The purpose of this Notice of Collection is to provide consumers with information about the categories of personal information that we collect about them and the purposes for which the personal information will be used.

We collect the following categories of “personal information”, as defined in the CCPA, relating to California residents:

- Audio/Video/Visual** such as photographs, recorded calls, voicemails, and video.
- Biometric** such as fingerprints.
- Commercial** such as vehicles, products, services, and repairs purchased, obtained or considered; personal property records (e.g., vehicle titles and registration cards); or other purchasing or consuming histories or tendencies.
- Customer Records** as defined under California Civil Code Section 1798.80(e), such as digital and electronic signatures, telephone numbers, insurance policy numbers, credit and debit card numbers, financial and credit-related information, physical characteristics and descriptions (e.g., government identification), bank account numbers, and medical and health insurance information (in the context of employment).
- Education** such as diplomas and transcripts for student rebate eligibility.
- Geolocation** such as tracking and user-enabled location identification.
- Identifiers** such as real name, postal address, IP address, email address, SSN, driver’s license number, passport number, cookies, pixel tags, and similar identifiers.
- Inferences** to create a profile about you reflecting your product or vehicle preferences, purchasing tendencies and behaviors.
- Internet Activity** such as interactions with our websites, applications, and advertisements.
- Professional/Employment** such as job title, occupation, company or business name, and employment history information.

–**Protected Classes** under California or federal law, such as gender, age, and veteran status.

We use the categories of personal information listed above for one or more of the following “business purposes” listed in the CCPA:

–**Advertising & Marketing** to send advertisements and marketing material via physical and electronic mail relating to product specials and other promotional events or offers, perform marketing research and data analytics, and perform similar activities.

–**Contextual and Behavioral Targeting** to provide contextual customization of ads shown as part of an interaction with our website or application, such as through the use of “first-party” or “session” cookies.

–**Counting Ad Impressions & Website Interactions** to audit interactions with our websites, applications, or advertisements, count ad impressions to unique visitors, verify position and quality of ad impressions, and perform similar activities.

–**Customer Service** to provide customer service, maintain and service products and accounts, provide training for quality assurance purposes, and perform similar activities.

–**Defending Against Claims & Litigation** to defend against or respond to potential or actual claims and litigation, including, but not limited to, those against the manufacturer of a particular vehicle we've sold.

–**Fraud Prevention** to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, and to prosecute those responsible for that activity.

–**Processing Transactions** to process or fulfill orders and transactions, verify customer information, process payments, confirm eligibility for manufacturer rebates, and perform similar activities.

–**Providing Financing** to provide financing in connection with a vehicle purchase, lease or related products or services.

In the context of employment, we also use the categories of personal information listed above for one or more of the following business purposes:

–**Claims & Benefits Administration** to process claims, administer benefits, and conduct employee drug tests in accordance with applicable laws.

–**Determining Employment Eligibility** to determine eligibility for employment, verify references and employment history, and conduct background checks.

–**Employee & Emergency Contact Communications** to communicate with our employees or individuals listed as an employee’s emergency contact.

–**Monitoring Driving Records** to monitor employee driving records as required or allowed by California law.

–**Public Health and Safety** to conduct screening or temperature checks for COVID-19 symptoms or similar screening activities related to public health and safety.

## California Privacy Policy

The purpose of this California Privacy Policy is to provide consumers with a comprehensive description of our dealership’s online and offline practices regarding the collecting, use, disclosure,

and sale of personal information and of the rights of consumers regarding their personal information under the CCPA.

The tables below describe how we collect, use, and disclose California consumers' personal information based on definitions laid out in the CCPA. Please note that because the categories of personal information collected and shared largely depends on how a consumer has interacted with our dealership, not all of the items listed in the tables below will be relevant to you. For example, we generally only collect veteran status when a consumer qualifies for a military rebate. Similarly, certain pieces of information, such as health and medical information, are only collected in the course of administering employment benefits and claims, but are not collected from customers.

## Categories of Personal Information We Collect

### *Categories of Personal Information Collected in the preceding 12 months:*

- Audio/Video/Visual** such as photographs, recorded calls, voicemails, and video.
- Commercial** such as vehicles, products, services, and repairs purchased, obtained or considered; personal property records (e.g., vehicle titles and registration cards); or other purchasing or consuming histories or tendencies.
- Customer Records** as defined under California Civil Code Section 1798.80(e), such as digital and electronic signatures, telephone numbers, insurance policy numbers, credit and debit card numbers, financial and credit-related information, physical characteristics and descriptions (e.g., government identification), bank account numbers, and medical and health insurance information (in the context of employment).
- Education** such as diplomas and transcripts for student rebate eligibility.
- Geolocation** such as tracking and user-enabled location identification.
- Identifiers** such as real name, postal address, IP address, email address, SSN, driver's license number, passport number, cookies, pixel tags, and similar identifiers.
- Inferences** to create a profile about you reflecting your product or vehicle preferences, purchasing tendencies and behaviors.
- Internet Activity** such as interactions with our websites, applications, and advertisements.
- Professional/Employment** such as job title, occupation, company or business name, and employment history information.
- Protected Classes** under California or federal law, such as gender, age, and veteran status.

### *Categories of Sources from which the Personal Information is Collected:*

- Captive Finance Companies** and wholly-owned subsidiaries of automakers that offer loans, lease programs, and other financial services to our customers.
- Credit Reporting Agencies** such as Experian, Transunion and Equifax that gather account information from various creditors and provide that information to dealers in connection with an application for credit.
- Data Brokers & Analytics Providers** such as equity mining, data mining, call tracking, and sales prospecting tools.

- Directly from Consumers** through our website forms and via in-person applications, forms and contracts.
- Government Entities** such as the Department of Motor Vehicles (DMV) and various other state and federal agencies.
- Job Boards & Screening Companies** such as background check companies and services that allow job seekers to submit resumes and apply to us directly.
- Online Lead Providers** and third party websites that collect and share data relating to consumers whose product preferences or inquiries align with the offerings of our dealership.
- Social Media Networks** such as Facebook, Instagram, and other platforms used to run various advertising campaigns.

***Business or Commercial Purposes for which the Personal Information was Collected or Sold:***

- Advertising & Marketing** to send advertisements and marketing material via physical and electronic mail relating to product specials and other promotional events or offers, perform marketing research and data analytics, and perform similar activities.
- Claims & Benefits Administration** to process claims, administer benefits, and conduct employee drug tests in accordance with applicable laws.
- Contextual and Behavioral Targeting** to provide contextual customization of ads shown as part of an interaction with our website or application, such as through the use of “first-party” or “session” cookies.
- Counting Ad Impressions & Website Interactions** to audit interactions with our websites, applications, or advertisements, count ad impressions to unique visitors, verify position and quality of ad impressions, and perform similar activities.
- Customer Service** to provide customer service, maintain and service products and accounts, provide training for quality assurance purposes, and perform similar activities.
- Defending Against Claims & Litigation** to defend against or respond to potential or actual claims and litigation, including, but not limited to, those against the manufacturer of a particular vehicle we've sold.
- Employee & Emergency Contact Communications** to communicate with our employees or individuals listed as an employee’s emergency contact.
- Fraud Prevention** to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, and to prosecute those responsible for that activity.
- Monitoring Driving Records** to monitor employee driving records as required or allowed by California law.
- Processing Transactions** to process or fulfill orders and transactions, verify customer information, process payments, confirm eligibility for manufacturer rebates, and perform similar activities.
- Providing Financing** to provide financing in connection with a vehicle purchase, lease or related products or services.
- Public Health and Safety** to conduct screening or temperature checks for COVID-19 symptoms or similar screening activities related to public health and safety.

## **Disclosure of Personal Information to Third Parties**

<b>Categories of Personal Information Disclosed for a Business Purpose or Sold to Third Parties in the Preceding 12 months</b>	<b>Categories of Third Parties to Whom the Information was Disclosed or Sold</b>
<b>Audio/Video/Visual</b> such as photographs, recorded calls, voicemails, and video.	Software Vendors, Insurance Agencies & Brokers, Vehicle Manufacturers, Social Media Networks, Attorneys & Law Firms, Website Providers
<b>Commercial</b> such as vehicles, products, services, and repairs purchased, obtained or considered; personal property records (e.g., vehicle titles and registration cards); or other purchasing or consuming histories or tendencies.	Auctions & Wholesalers, Professional Service Companies, Software Vendors, Financial Institutions, Insurance Agencies & Brokers, Records Management Companies, Vehicle Manufacturers, Social Media Networks, Data Brokers & Analytics Providers, Advertising Networks & Marketing Agencies, Auditors & Consultants, Attorneys & Law Firms, F&I Product Providers & Administrators, Government Entities, Repair & Sublet Facilities, Website Providers
<b>Customer Records</b> as defined under California Civil Code Section 1798.80(e), such as digital and electronic signatures, telephone numbers, insurance policy numbers, credit and debit card numbers, financial and credit-related information, physical characteristics and descriptions (e.g., government identification), bank account numbers, and medical and health insurance information (in the context of employment).	Auctions & Wholesalers, Professional Service Companies, Software Vendors, Financial Institutions, Insurance Agencies & Brokers, Records Management Companies, Vehicle Manufacturers, Social Media Networks, Advertising Networks & Marketing Agencies, Data Brokers & Analytics Providers, Auditors & Consultants, Attorneys & Law Firms, Credit Reporting Agencies (CRAs), F&I Product Providers & Administrators, Government Entities, Repair & Sublet Facilities, Tow Companies, Rideshare Companies, Website Providers, Claims & Benefits Administrators
<b>Education</b> such as diplomas and transcripts for student rebate eligibility.	Software Vendors, Financial Institutions, Insurance Agencies & Brokers, Records Management Companies, Vehicle Manufacturers, Social Media Networks, Advertising Networks & Marketing Agencies, Auditors & Consultants, Attorneys & Law Firms, Professional Service Companies, Website Providers, Claims & Benefits Administrators
<b>Geolocation</b> such as tracking and user-enabled location identification.	Software Vendors, Social Media Networks, Advertising Networks & Marketing Agencies, Attorneys & Law Firms, Website Providers
<b>Identifiers</b> such as real name, postal address, IP address, email address, SSN, driver's	Auctions & Wholesalers, Professional Service Companies, Software Vendors, Financial Institutions, Insurance Agencies & Brokers, Records Management Companies, Vehicle

license number, passport number, cookies, pixel tags, and similar identifiers.	Manufacturers, Social Media Networks, Advertising Networks & Marketing Agencies, Data Brokers & Analytics Providers, Auditors & Consultants, Attorneys & Law Firms, Credit Reporting Agencies (CRAs), F&I Product Providers & Administrators, Government Entities, Repair & Sublet Facilities, Uniform & Apparel Companies, Tow Companies, Rideshare Companies, Website Providers, Claims & Benefits Administrators
<b>Inferences</b> to create a profile about you reflecting your product or vehicle preferences, purchasing tendencies and behaviors.	Software Vendors, Vehicle Manufacturers, Advertising Networks & Marketing Agencies, Data Brokers & Analytics Providers, F&I Product Providers & Administrators, Social Media Networks, Website Providers
<b>Internet Activity</b> such as interactions with our websites, applications, and advertisements.	Software Vendors, Social Media Networks, Advertising Networks & Marketing Agencies, Data Brokers & Analytics Providers, Attorneys & Law Firms, Vehicle Manufacturers, Website Providers
<b>Professional/Employment</b> such as job title, occupation, company or business name, and employment history information.	Professional Service Companies, Software Vendors, Financial Institutions, Insurance Agencies & Brokers, Records Management Companies, Vehicle Manufacturers, Social Media Networks, Advertising Networks & Marketing Agencies, Auditors & Consultants, Attorneys & Law Firms, Credit Reporting Agencies (CRAs), Government Entities, Website Providers, Claims & Benefits Administrators
<b>Protected Classes</b> under California or federal law, such as gender, age, and veteran status.	Professional Service Companies, Software Vendors, Financial Institutions, Insurance Agencies & Brokers, Records Management Companies, Vehicle Manufacturers, Social Media Networks, Advertising Networks & Marketing Agencies, Auditors & Consultants, Attorneys & Law Firms, Credit Reporting Agencies (CRAs), Data Brokers & Analytics Providers, Government Entities, Website Providers, Claims & Benefits Administrators

## Your Rights Under the CCPA

### 1. Right to Know About Personal Information Collected, Disclosed, or Sold

Under the CCPA, you have a right to request that we disclose the categories of personal information we have collected, used, disclosed, and sold. We call this a “categories” request. You

also have the right to request that we disclose the specific pieces of personal information that we have collected about you, which we call a "specific pieces" request. These are referred to collectively as "Right to Know" requests under the CCPA.

## **2. Right to Request Deletion of Personal Information**

You also have a right to delete the personal information we've collected about you. The "Right to Delete" is subject to several legal exceptions, such as when we are required by another state or federal law to retain your information.

## **3. Right to Opt-Out of the Sale of Information**

The CCPA provides consumers with the right to opt-out of the sale of their personal information. The CCPA defines a "sale" as disclosing or making available to a third-party personal information in exchange for monetary or other valuable consideration.

While we do not sell personal information for monetary value, we may disclose personal information to third parties, such as vehicle manufacturers, in such a way that may be considered a "sale" of personal information under the CCPA. To direct us to stop the sale of your personal information, please simply send an email to: [leads@scmotorsca.com](mailto:leads@scmotorsca.com)

We do not sell personal information of minors who we know are under 16 years of age.

## **4. Right to Non-Discrimination for the Exercise of Your CCPA Rights**

You have a right not to receive discriminatory treatment for the exercise of the privacy rights conferred by the CCPA.

## **Verification of Right to Know and Deletion Requests**

To protect against fraud, identity theft, and the unauthorized disclosure or deletion of personal information, we require that consumers submitting requests under the CCPA first verify their identity. This may include a combination of SMS (text message) verification, email verification, and one or more questions regarding the consumer's particular interaction or transaction with our dealership. If the consumer fails to verify their request via these methods, or the information provided by the consumer otherwise does not match our existing records, we will deny the request.

## **How to Submit a CCPA Request**

To submit a Right to Know, Delete, Opt-Out, or Opt-In request, please simply send an email to: [leads@scmotorsca.com](mailto:leads@scmotorsca.com).



## Authorized Agents

A consumer may designate an authorized agent to make a request under the CCPA on the consumer's behalf. If a consumer wishes to authorize another person to act as an authorized agent on the consumer's behalf, the consumer must provide the authorized agent permission to do so. An authorized agent can submit a CCPA request on behalf of a California resident by simply sending an email to: leads@scmotorsca.com

To help prevent fraudulent requests, we reserve the right to deny a request from an agent that does not submit proof that he or she has been authorized by the consumer to act on the consumer's behalf. As proof that the agent has been duly authorized by the consumer to submit a CCPA request, the agent will be required to upload either (1) power of attorney signed by consumer, or (2) other signed permission from the consumer. Pursuant to California Probate Code Sections 4300 to 4310, if an agent provides power of attorney signed by the consumer ("principal") that purports to give the agent authorization to submit the request on the principal's behalf, we may require that the agent provide information reasonably necessary or appropriate to identify the agent and principal and to facilitate the request. This includes, but is not limited to, identification of the agent and principal and the current and permanent residence addresses of the principal. If the agent provides some other signed permission from the consumer, we may require that the consumer (1) verify their identity directly with us through a combination of SMS (text message) verification, email verification, and one or more questions regarding the consumer's particular interaction or transaction with our dealership and (2) confirm that he or she provided the authorized agent permission to submit the request.

## Contact Us

For questions or concerns about our California Privacy Policy, please contact us by email at (leads@scmotorsca.com).

## Section 2 - Other Important Privacy Disclosures

### Consent and Notification of Revisions

By accessing or using our Site and/or Services, you consent to this Privacy Policy. If you do not agree with this Privacy Policy or our Terms of Service, please do not access or use the Site or Services. We may periodically modify or update our Privacy Policy with or without notice to you by posting the most updated version on this page. Please see the "Revision Date" at the top of this document to see when the Privacy Policy was last changed. We will update the "Revision Date" in the privacy policy to notify you of any substantive changes to the way we collect and use information. We encourage you to periodically review this Privacy Policy to obtain the most up-to-date information on how we are handling your personal information. **If you do not agree to changes to this Privacy Policy, you must stop using the Site after the last revision date of such changes.**

## **Collection of Anonymous Information**

We also collect anonymous, aggregate information (IP address or domain name) from all visitors to our Site. The anonymous information we collect from your visit is never linked to any of your personal information until you voluntarily submit that personal information. If not, that anonymous information is used only in the aggregate to generate statistical reports about the use of our Site. We may provide this anonymous information in aggregate form to other parties or use it for our own insights or marketing purposes. This anonymous or aggregate information is not linked to any personal information and our ability to use this information is not restricted in any way.

## **How We Respond To Do-Not-Track Signals**

The “Do Not Track” (hereafter “DNT”) privacy preference is a feature in some web browsers that tells a website that a user does not want their online activity to be tracked. Because there is no universal guidance or accepted method on how to interact with these DNT signals, our Sites are not set up to respond to DNT signals. Instead, upon visiting our website, we allow users to consent to or decline the deployment of specific cookies and similar tracking technologies to build profiles, serve ads, and personalize their experience across websites.

## **Third-party Links**

This Privacy Policy applies only to our Site and Services, and information collected for us or by us through various features and online offerings on our Site. Our Site contains links to other third-party sites, and our Privacy Policy does not apply to any third-party site or service linked to our Site or recommended or referred by our Site or by our staff. We are not responsible for the website, privacy practices or content of any third-party. If you have any questions about how these other sites use your information, you should review their policies and contact them directly.

## **Security**

We implement reasonable security measures to ensure the security of your personal information. However, no data transmissions over the Internet can be guaranteed to be 100% secure by nature. Consequently, we cannot ensure or warrant the security of any information you transmit to us and you understand that any information that you transfer to us is done at your own risk. We may attempt to notify you electronically of any security system breach so that you can take appropriate steps. By using the Services or providing personal information to us, you agree that we can communicate with you electronically regarding security, privacy and administrative issues relating to your use of the Services. We may post a notice via our website if a security breach occurs or send an email to you at the email address you provided. You may have a legal right to receive notice of a security breach in writing depending on where you live.

While we use encryption to protect online information, we also make all reasonable efforts to secure and protect your information offline. All of our customers’ information is restricted in our offices and

only employees who need the information to perform a specific job function are granted access to this information. The services that store your personal information are housed in a secure environment.

## **Business Transfers and Related Activities**

We may share or transfer your information in the course of any direct or indirect reorganization process such as, but not limited to, mergers, acquisitions, divestitures, bankruptcies, and sales of all or a part of our assets. Your information may be shared as a result of such transaction and/or during the assessment process pending transfer. In the event your information is transferred due to one of these events, know that your information would remain subject to this Privacy Policy or a privacy policy that protects your privacy to an equal degree as this Privacy Policy.

## **Your California Privacy Rights**

California Civil Code Section 1798.83 permits visitors to our Site and users of our Services who are California residents to request, once a year, certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make a request, please send us an email at (leads@scmotorsca.com) and include "Shine the Light Request" in the subject line.

## **Children Under 13 Years of Age**

Our Site and Services are not intended for children under thirteen (13) years of age. Dealership does not knowingly collect or use any personal information from children under thirteen (13) years of age, and does not knowingly provide any personal information to any third party for any purpose whatsoever from visitors younger than thirteen (13) years old. If you are under thirteen (13) years old, please do not provide any information on our Site or through our Services.

## **Use of Cookies & Similar Technologies**

We use cookies and other similar technologies (e.g. web beacons, pixels, or local storage) to deliver content specific to your interests, track your website activity, help our Site remember you, enhance your online experience with us, and provide you with information you're most likely to need. Cookies are small pieces of text used to store information on web browsers between visits. Cookies and any technology that serves a similar purpose as a cookie in the context of tracking, identifying, or building consumer profiles are included in our use of the term "cookie" for the purpose of this Privacy Policy. We, our service providers, or third-party advertising companies may use "first-party cookies" or "third-party cookies" as described below.

*First-Party Cookies.* Many first-party cookies are necessary to facilitate essential website functions and enable you to navigate our Sites and use its features, such as remembering a consumer's

shopping cart or chat session across pages or multiple visits. Also, first-party cookies are used to improve the functionality of the Site (such as tracking errors) and may be used to improve the ability to market or advertise to our consumers strictly on our own Sites, such as building consumer interest profiles to improve the recommended products consumers see on our own Sites. By default, our Sites do not support an inherent mechanism to allow users to opt-out of these first-party cookies.

*Third-Party Cookies.* Third-party cookies refer to any cookie that shares or enables the sharing of information to an entity other than our own Sites. For example, some cookies used with third-party analytics providers will use a first-party domain but still share the collected information with the third-party provider. Our users can opt-out of certain third-party cookies by making the appropriate selection on our cookie banner that appears upon first visiting our Site, by submitting a CCPA opt-out request (see our CCPA Privacy Policy for more info), or as otherwise described in this Privacy Policy. We allow users to opt-out of the following types of third-party cookies:

–Cookies used to track consumers in order to serve ads to the consumer on other websites (e.g. retargeting ads that might appear on a search engine or social media that redirect you to our Sites).

–Cookies used to build consumer profiles to improve the overall ability to advertise to an individual or group of consumers across multiple Sites.

–Cookies used to track individual consumers to improve the ads they are served from a variety of advertisers (which may include the Dealership).

For some third-party cookies, our Site does not offer an inherent mechanism for users to opt-out. This includes the following types of third-party cookies:

–Cookies used by our service providers or third-party advertising companies to perform an essential function solely on our own Site. For example, they may use a cookie to remember a consumer's chat session across pages or visits so that the customer service representative responding to the chat is aware of the previous questions asked by the specific consumer.

–Cookies used by our service providers to perform analytics solely for our own Site.

Some web browsers offer settings that allow you to choose whether cookies are set by the websites that you visit. These controls vary by browser, but may allow you to disable all cookies, disable cookies for individual websites, or notify you whenever a cookie is set. Please note that if you disable cookies, you may still use our website, but your ability to use some features or areas of the Site may be limited. Our Site may use products, such as Google Analytics, to measure how you interact with our Site and to improve your user experience. For more information on Google Analytics, its privacy practices, and opt-out mechanisms, please visit the Google Analytics Security and Privacy Principles page at <https://support.google.com/analytics/answer/6004245?hl=en>. For Google's privacy policy and instructions on opting-out of Google Analytics, please visit <https://tools.google.com/dlpage/gaoptout>. The Network Advertising Initiative also offers a means to opt-out of a number of advertising cookies. To learn more, please visit [www.networkadvertising.org](http://www.networkadvertising.org). Note that opting-out does not mean you will no longer receive online

advertising. It means that the company or companies from which you opted-out will no longer deliver ads tailored to your preferences and usage patterns.

## **Dispute Resolution and Arbitration Agreement**

By using the Services, except where prohibited by law, you and Dealership agree that if there is any controversy, claim, action, or dispute arising out of or related to your use of the Services or the breach, enforcement, interpretation, or validity of this Privacy Policy or any part of it (hereinafter "Dispute"), both parties shall first try in good faith to settle such Dispute by providing written notice to the other party and allowing the receiving party thirty (30) calendar days in which to respond to or settle the Dispute. Notice shall be sent to us at ATTN: **(725 Soquel Ave, Santa Cruz, CA, 95062)** or to you at the address we have on file for you.

Both you and the Dealership agree that this dispute resolution procedure is a condition precedent that must be satisfied before initiating any litigation or filing any claim against the other party. IF ANY DISPUTE CANNOT BE RESOLVED BY THE ABOVE DISPUTE RESOLUTION PROCEDURE, YOU AGREE THAT THE SOLE AND EXCLUSIVE JURISDICTION FOR SUCH DISPUTE WILL BE DECIDED BY BINDING ARBITRATION ON ANY INDIVIDUAL BASIS IN CALIFORNIA. ARBITRATION ON AN INDIVIDUAL BASIS MEANS THAT YOU WILL NOT HAVE, AND YOU WAIVE THE RIGHT FOR A JUDGE OR JURY TO DECIDE YOUR CLAIMS, AND THAT YOU MAY NOT PROCEED IN A CLASS OR CONSOLIDATION CAPACITY. Other rights that you and we would otherwise have in court will not be available, or will be more limited in arbitration, including discovery and appeal rights.

The arbitrator, and not any federal, state, or local court or agency, shall have exclusive authority to resolve any dispute arising under or relating to the interpretation, applicability, enforceability, or formation of this Privacy Policy, including any claims that all or any part of this Privacy Policy is void or voidable.

## **Other Arbitration Agreements**

In the event of a conflict between this arbitration agreement and any other arbitration agreement between you and the Dealership such as an arbitration agreement contained in a retail installment sale contract, lease agreement, or repair estimate (hereinafter "Other Arbitration Agreement"), the terms of the Other Arbitration Agreement shall govern and prevail in each instance.

## **Venue And Choice Of Law**

This Privacy Policy has been made in and shall be construed in accordance with the laws of California without giving effect to any conflict of law principles. Any disputes or claims not subject to the arbitration provision discussed above shall be resolved by a court located in that state and you agree and submit to the exercise of personal jurisdiction of such courts for the purpose of litigating any such claim or action.

**Information Collected:**

We collect the following information from and about you:

- *Information voluntarily provided on the Site, at our dealership or over the phone:* We may collect personal information you voluntarily provide to us (e.g., name, e-mail address, etc.) when you enroll in one of our courtesy email reminder services (“**E-Mail Reminder Services**”), request information, apply for a job, or use any of the other interactive portions of the Site. We may collect information you voluntarily provide to us (e.g., example, name, email address, home/delivery address, payment information and insurance information, driver’s license number and information) when you visit our dealerships, use certain features on the Site, or call us on the phone, such as when you test drive a car, purchase a car, or bring your car in for service. We may collect financial information if you wish to obtain financing for a car purchase.
- *Usage information:* Anytime you visit the Site, we may gather information regarding the means you use to access the Site. This information may include, for example, the type and version of your browser, your service provider, your IP address and any search engine you may have used to locate the Site. We use this information to help diagnose problems with our server, administer the Site, compile broad statistical data and for advertising/marketing purposes. In addition, we gather certain aggregate, navigational information about where our users go on the Site. This information enables us to determine which areas of the Site are most frequently visited and helps us to tailor the Site to the needs and interests of our online visitors.
- *Information collected from other sources:* We may receive information about you from other sources, such as third-party referral web sites. We will ask any provider of such information to represent and warrant that the information has been gathered and maintained in accordance with all applicable laws. Any such information will be maintained by us in accordance with the standards set forth in this Privacy Policy along with your other personal information.

#### **Use of Information Collected:**

We use the information we collect from you for the following purposes:

- To provide our Services.
- To tailor your experience on our Site.
- To improve user experiences by making our Services easier to use and navigate.
- To provide you with information, products or services that you request from us.
- To send you marketing communications, including email alerts, event registrations and other notices concerning our products or services, or events or news, that may be of interest to you.
- For ad serving, targeting and retargeting, creation of audience segments, and related OBA (online behavioral advertising) purposes.
- To respond to your requests and inquiries.
- To process job applications with Santa Cruz Motors.
- To comply with legal and/or safety requirements.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collections.
- As necessary or appropriate to protect the rights, property or safety of us, our clients or others.
- To enable anti-fraud and crime prevention efforts.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.
- For other legitimate business purposes.

#### **Disclosure of Personal Information:**

We do not disclose consumer personal information to third parties other than as described in this Privacy Policy or in support of our service offerings to customers and consumers. Our dealership may disclose certain personal information as follows:

- To vehicle manufacturers, for safety and warranty purposes. Except as disclosed by the vehicle manufacturer in writing, such information will not be used or shared beyond the vehicle manufacturer or any of its affiliates, partners, or dealerships, for any other purpose;
- To third-party service providers, agents and affiliated entities in connection with the services that they perform for our dealership, such as providing certain services necessary for the administration of the Site and the provision of certain interactive functionalities. Please note that some of our agents and contractors are located outside of the country and, as such, are subject to foreign laws, including laws that may require disclosure of personal information to government agencies in those countries;
- To law enforcement agencies for the purposes of investigating fraud or other offences, or based on a good faith belief that such disclosure is necessary to comply with or conform to the law or that such disclosure is necessary to protect Santa Cruz Motors, you or the public; or
- To legal, financial, and other professional advisors or in connection with the sale or direct or indirect reorganization of all or part of our business or operations.

Except as provided above, we will not use or disclose personal information for purposes other than those for which it was collected, except with your consent, as required or permitted by law, and to provide the features and service(s) you've requested and conduct routine business operations. At the time you register for certain features or services, you may be notified of, and asked to consent to, the sharing of your personal information necessary for the provision of these requested features or services.

#### **Use of Cookies:**

We may use a browser feature known as a "cookie." Cookies are small files placed on your hard drive that assist us in providing you with a customized browsing experience. We, and third parties we allow, use cookies and other similar technologies for various purposes, for example to provide you with the convenience of not having to reenter information, such as user IDs and passwords, multiple times during your visits to the Site. Cookies can also be utilized to help us provide you with information targeted to your interests, based upon your prior browsing on the Site. Different cookies are used to perform different functions, which we explain below:

- **Essential:** Some cookies are essential in order to enable you to move around the Site and use their features, such as accessing secure areas of the Site. Without these cookies, we cannot enable appropriate content based on the type of device you are using.
- **Browsing and Functionality:** These cookies remember choices you make on our Site. For example, when you return to our Site, these cookies help remember your preferences.
- **Analytics:** Personal information collected via cookies for analytics purposes, for example, to learn about website traffic and activity. In particular, we use Google Analytics to measure how you interact with our Site and to improve your user experience. To learn more about Google Analytics' data practices and commitment to protecting the confidentiality and security of data, please visit <https://support.google.com/analytics/answer/6004245?hl=en>. Google also provides a privacy policy and instructions on opting-out of Google Analytics at <https://tools.google.com/dlpage/gaoptout>.
- **Targeted Advertising:** Cookies may be placed by third-party advertising companies, such as Facebook. These companies may use cookies and other similar technologies to collect or receive information from our Site and elsewhere on the Internet and use that information to provide you with advertisements about goods and services that you may be interested in. If you would like to opt-out of such advertising practices on the particular device on which you are accessing this Privacy Policy, please go to <http://optout.aboutads.info/>.

The “help” section of the toolbar on most browsers will inform you on how to prevent your browser from accepting new cookies, how to have the browser notify you upon the receipt of a new cookie, or how to disable the use of cookies completely. As the Site has been designed to take advantage of the use of cookies, should you configure your browser to decline their use, certain features of the Site may not function correctly, and you may be required to re-enter any user IDs and passwords more frequently.

Additionally, the Network Advertising Initiative also offers a means to opt-out of a number of advertising cookies. Please visit <https://www.networkadvertising.org/> to learn more. Note that opting-out does not mean you will no longer receive online advertising. It does mean that the company or companies from which you opted-out will no longer deliver ads tailored to your preferences and usage patterns.

#### **Accessing this Web Site:**

The Site is hosted on servers located in the United States. As such, your connection will be through and to servers located in the U.S. Any personal information you provide during your visit will be processed and maintained on our Web server and other internal systems located within the U.S.

#### **External Links:**

The Site contains links to other web sites. Our dealership is not responsible for the privacy practices or the content of such web sites. To help ensure the protection of your privacy, we recommend that you review the privacy policy of any web site you visit via a link from the Site.

#### **Passwords:**

The personal information record created through your registration with this web site can only be accessed with the unique password associated with that record. To protect the integrity of the personal information contained in this record, you should not disclose or otherwise reveal your password to third parties. You agree that you are responsible for all acts or omissions that occur on your account while your password is being used. Please let us know immediately if you believe your password or record has been compromised.

#### **Public Forums:**

This web site may make chat rooms, forums, message boards, and/or news groups available to its users at various times. Please remember that, unless otherwise stated, any information that is disclosed in these areas becomes public information and you should exercise caution when deciding to disclose your personal information in these areas. **WE ARE NOT RESPONSIBLE FOR THE USE BY OTHERS OF THE INFORMATION THAT YOU DISCLOSE IN PUBLIC POSTING AREAS.**

#### **Security:**

We implement reasonable security measures to ensure the security of your personal information. Please understand, however, that no data transmissions over the Internet can be guaranteed to be 100% secure. Consequently, we cannot ensure or warrant the security of any information you transmit to us and you understand that any information that you transfer to us is done at your own risk. If we learn of a security systems breach we may attempt to notify you electronically so that you can take appropriate protective steps. By using the Services or providing personal information to us, you agree that we can communicate with you electronically regarding security, privacy and administrative issues relating to your use of the Services. We may post a notice via the Site if a security breach occurs. We may also send an email to you at the email address you have provided to us in these circumstances. Depending on where you live, you may have a legal right to receive notice of a security breach in writing.

#### **Assignment:**



In the event of a direct or indirect reorganization process, including, but not limited to, a merger, acquisition, bankruptcy, or the sale of all or a portion of our assets, you grant us the right to assign the personal information collected via the Services.

#### **Dispute Resolution and Agreement to Arbitrate:**

Except where and to the extent prohibited by law, by using the Services, you and Santa Cruz Motors agree that, if there is any controversy, claim, action, or dispute arising out of or related to your use of the Services or the breach, enforcement, interpretation, or validity of this Privacy Policy or any part of it ("Dispute"), both parties shall first try in good faith to settle such Dispute by providing written notice to the other party describing the facts and circumstances of the Dispute and allowing the receiving party thirty (30) days in which to respond to or settle the Dispute. Notice shall be sent to: (i) **(INSERT ADDRESS)**, or (ii) You, at the address we have on file for you.

Both you and Santa Cruz Motors agree that this dispute resolution procedure is a condition precedent that must be satisfied before initiating any litigation or filing any claim against the other party. IF ANY DISPUTE CANNOT BE RESOLVED BY THE ABOVE DISPUTE RESOLUTION PROCEDURE, YOU AGREE THAT THE SOLE AND EXCLUSIVE JURISDICTION FOR SUCH DISPUTE WILL BE DECIDED BY BINDING ARBITRATION ON AN INDIVIDUAL BASIS. ARBITRATION ON AN INDIVIDUAL BASIS MEANS THAT YOU WILL NOT HAVE, AND YOU WAIVE, THE RIGHT FOR A JUDGE OR JURY TO DECIDE YOUR CLAIMS, AND THAT YOU MAY NOT PROCEED IN A CLASS OR CONSOLIDATED CAPACITY. Other rights that you and we would otherwise have in court will not be available or will be more limited in arbitration, including discovery and appeal rights. All such disputes shall be exclusively submitted to JAMS ([www.jamsadr.com](http://www.jamsadr.com)) for binding arbitration under its rules then in effect, before one arbitrator to be mutually agreed upon by both parties.

The arbitrator, and not any federal, state, or local court or agency, shall have exclusive authority to resolve any dispute arising under or relating to the interpretation, applicability, enforceability, or formation of this Privacy Policy, including any claim that all or any part of this Privacy Policy is void or voidable.

#### **Choice of Law:**

This Privacy Policy has been made in and shall be construed in accordance with the laws of the State of California, without giving effect to any conflict of law principles. Any disputes or claims not subject to the arbitration provision discussed above shall be resolved by a court located in the State of California and you agree and submit to the exercise of personal jurisdiction of such courts for the purpose of litigating any such claim or action.

#### **Opt-out Procedures:**

You may always opt-out of receiving future marketing communications, such as promotions, offers and advertisements, from us through the unsubscribe link provided in each such communication. We will process your unsubscribe requests as soon as possible.

Additionally, we may send you transactional communications, including information regarding our Services, information about changes to our policies and other notices and disclosures required by law. Generally, users cannot opt out of these communications, but they will be primarily informational in nature, rather than promotional.

#### **Changes to this Privacy Policy:**

We reserve the right to change and update this Privacy Policy. When we do, we will revise the "Last Updated" date above. We encourage you to examine our Privacy Policy from time to time to ensure you are aware of any changes we may have made. Your continued use of the Sites and affiliated sites after any such update indicates your agreement to the same.

### **Use of Third-Party Service Provider Behavioral Services:**

The Site may use third-party tracking services to collect non-personally identifiable online demographical and behavioral data generated by website visitors. A data collection script installed on the Site may collect the following kinds of data: website session activity, including your personal information when entered into a form field such as name, phone, email, or when you arrive at the Site through a link containing a unique identifier; links that you click, pages that you view, form fields that you select, and text fields that you enter. The information is used to compile your shopping activity to produce an individual shopping profile for you, which contains information about your brand preferences, and to aggregate your web site behavioral data in anonymized form with all other visitors' anonymized shopping activity data on the Site to help us analyze industry trends, general shopping patterns, overall consumer demands, and web site performance.

### **Children:**

We believe that it is especially important to protect children's privacy online. We do not knowingly collect or use any personal information from children under the age of 16 and we do not knowingly provide any personal information, regardless of its source, to any third party for any purpose whatsoever from visitors younger than 16 years old. No information should be submitted to or posted by visitors younger than 13 years old.

### **Collection of Information by Third Parties:**

As noted above, affiliates, third parties who place advertisements on the Site, and other third-party service providers may collect and use information about your visits to and use of the Site through the use of cookies, web beacons and other similar technologies. For example, we may work with companies that collect statistical information regarding site usage and provide related analytical services. We may work with third-party advertising companies that use cookies, pixels and web beacons to serve advertisements when you come to the Site and to generate statistics and metrics related to the delivery of such advertisements. We also may work with third-party advertising platforms and networks that use cookies, web beacons and other technologies to collect non-personally identifiable information about your visits to and interactions with the Site and other web sites in order to provide targeted communications and other advertisements.

Third-party service providers may also collect information from your devices and may combine personal and non-personal information about you with information from other sources including your visits to this and other web sites, mobile web sites and/or mobile applications across your various devices.

If you would like to obtain more information about the practices of some of these parties, or if you would like to make choices about their use of your information, please click here:

<http://www.aboutads.info/choices/>. More information and additional consumer choice options may be found at this link: [http://www.networkadvertising.org/managing/opt\\_out.asp](http://www.networkadvertising.org/managing/opt_out.asp). Information and additional consumer choice options regarding mobile device tracking may be found at these links (or successor URLs):

- IDFA limit ad tracking (<https://support.apple.com/en-us/HT202074>)
- AAID reset and opt-out (<https://support.google.com/googleplay/android-developer/answer/6048248?hl=en>)

### **How We Respond to Do Not Track Signals:**

At this time, our Site does not recognize automated browser signals regarding tracking mechanisms, which may include Do Not Track instructions.

### ***Right to Know***

You have the right to request that we disclose certain information to you about our collection and use of your personal information over the past 12 months, such as the specific pieces of personal information we have collected, as well as information about our sale or disclosure for business purposes of your personal

information to third parties. Once we receive and confirm your verifiable consumer request, we will disclose to you the information you have requested.

### ***Right to Delete***

You have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

### ***Right to Opt-Out of the Sale of Personal Information***

You have the right to opt-out of the sale of your personal information to third parties. Under the CCPA, “sell” includes the transfer or communication of personal information to another business if the transfer conveys value to the recipient business, even if there is no exchange of money. While we do not sell your personal information in the traditional sense, under the CCPA, some of our business activities may be considered a “sale” of personal information. You may click on the “Do Not Sell My Personal Information” link in the footer of the Site to opt-out. We do not knowingly sell the personal information of consumers under the age of 16 without affirmative authorization.

### ***Right to Non-Discrimination***

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you with a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Please submit a request using the contact information provided below. We may need you to provide additional information to verify your request, such as providing certain data elements so that we can confirm they match the personal information already maintained by us. We will not use this additional information for anything other than handling your request. You may designate an authorized agent to make a request in certain circumstances on your behalf. Such authorized agent must be registered with the California Secretary of State.

We will endeavor to fulfill your request within 45 days of receiving that request. If we require additional time, we will inform you of the reason and extension period in writing.

## **5. Your California Privacy Rights**

If you are a California resident, California Civil Code Section 1798.83 permits you to make a request, once a year, for information regarding the disclosure of your personal information to third parties for those third parties’ direct marketing purposes. To make this request, please submit a request via email at (leads@scmotorsca.com).

### **Contact Information:**

If you have any questions or comments about this Privacy Policy (including the provisions of the California Privacy Notice) the ways in which we collect and use your personal information, your choices and rights regarding such use, or wish to exercise your rights under California state law, please do not hesitate to contact us using the contact information below.

(leads@scmotorsca.com)