

Dealer Pay Privacy Policy

Revised 11/05/2020

Introduction

Dealer Pay LLC (“Company”) is committed to protecting the privacy of individuals who register to use the Services (“Customers”) and individuals or groups who register as resellers (“Resellers”). We designed this Privacy Policy to make clear to you how we collect, use and store your information in relation to the use of the Company’s web site and the related applications and services offered by Dealer Pay (collectively, the “Services”).

Updates

This Privacy Policy is subject to occasional revision. If we make any changes, we will notify you by revising the “Last Revised” date at the top of this Privacy Policy. If we make any material changes, we will use commercially reasonable efforts to provide you with additional notice (such as by adding a notice in your account, or by sending you an email notification). Continued use of our Services, following notice of such changes, shall indicate your acknowledgement and agreement of such changes.

Security

Your security matters to us. We take robust measures, including administrative, technical, and physical safeguards, to protect your information from loss, theft, misuse, and unauthorized access, disclosure, alteration, and destruction. Despite these measures, we cannot guarantee the absolute security of your information. No method of transmission over the Internet or of storing information electronically is 100% secure.

We follow industry standards on information security management to safeguard sensitive information, such as financial information, intellectual property, employee details and any other Personal Information entrusted to us. As used in this Privacy Policy, “Personal Information” means information that, alone or in combination with other information, can identify you or another individual.

Information from Customers

You are not required to provide us with Personal Information to browse the publicly available portions of our website. We collect the information you provide to us when you apply or sign up for Services and when you provide information as part of our identity or account verification process, and this information may include Personal Information. We collect information about you, including:

- Identification information, such as your name, email address, mailing address, phone number, photograph, birthdate, passport, driver’s license, Social Security, Taxpayer Identification, or other government-issued identification number;
- Financial information, including bank account and payment card numbers;
- Tax information, including withholding allowances and tax filing status; and
- Other historical, contact, and demographic information.
- Any information you provide when you visit Dealer Pay hosted webpages or engage with us either by email, web form, instant message, phone, or post content on our websites (including forums & blogs).

Information We Collect from Customer Use of Our Services

We try to make your experience with Dealer Pay simple and meaningful. We automatically

collect information about you when you use our Services or website, including:

- **Transaction Information.** When you use our Services to accept, request or record payments, we collect information about when and where the transactions occur, the names of the transacting parties, a description of the transactions, the payment or transfer amounts, billing and shipping information, and the devices and payment methods used to complete the transactions.
- **Location Information.** Through our applications, we collect information about the location of your device.
- **Device Information.** We collect specific information about your device when you access our Services, including your hardware model, operating system and version, unique device identifier, mobile network information, and information about the device's interaction with our Services. We may also identify other software running on the device for anti-fraud and malware-prevention purposes (but will not collect any content from such software).
- **Use Information.** We collect information about how you use our Services, including your access time, browser type and language, and Internet Protocol ("IP") address.
- **Your Customers.** We collect Personal Information about your customers that you share with us or that customers provide at checkout.
- **Information Collected by Cookies.** We use various technologies to collect information when you use our Services, including sending cookies to your device. Cookies are small data files that are stored on your hard drive or in your device memory when you visit a website or view a message. Among other things, cookies support the integrity of our registration process, retain your preferences and account settings, and help evaluate and compile aggregated statistics about user activity. We do not store unencrypted Personal Information in cookies. **Opting out:** You may be able to opt out of cookie-supported customized ads through your web browser software or by visiting the [Ads Preferences Manager](#), and the [Google Analytics Opt-out Browser Add-on](#). If you use our website without opting out, this means that you understand and agree to data collection for the purpose of providing you with remarketing ads. Please keep in mind that removing or blocking cookies can negatively impact your user experience and parts of our website may no longer be fully accessible.

Information from Reseller

Resellers are individuals or groups that have agreed to the terms of the Dealer Pay Reseller Agreement, to work with Dealer Pay to promote the Services by (a) referring clients to Dealer Pay; or (b) reselling Dealer Pay Services.

We collect the information you provide to us when you sign up for a Reseller Account and when you sign up one of your customers for our Services. We collect information about you, including:

- Your name, company name, website, phone number(s), address, business type, email address, and banking information. We use this information to work with you, confirm your identity, contact you, and pay you.
- The Personal Information about your customers that you share with us or that they provide to us directly. We use this information to work with you and to provide our Services to your customers. If you provide Personal Information

belonging to another person, you expressly represent and warrant that you have the authority and right to do so, and that you obtained all appropriate and required consents.

Storage of Information

In order to process transactions and for security and fraud purposes, Dealer Pay requires the storage of certain pieces of information collected during payment acceptance, including, but not limited to, credit card and bank account information, first and last name, street/billing address, city, state, zip code, expiration date and email address.

Current encryption standards and PCI-compliant systems are used and in place at all steps throughout the payment process to provide industry standard protection of cardholder data.

Our normal retention policy is that we retain your information for the period necessary to fulfill the purposes outlined in this Privacy Policy unless a longer retention period is required or permitted by law. Note that if we update the information we have on file for you upon your request or if we allow you to do so yourself through our website, we cannot guarantee that older versions of that information (including outdated or inaccurate versions) will not remain on our systems, including in our backups and archives.

Information Collected by Web Beacons

We also may collect information using web beacons which are electronic images that may be used in our Services or emails. We may use web beacons to deliver cookies, track the number of visits to our website, understand usage and campaign effectiveness, and determine whether an email has been opened and acted upon.

Use of Information

We may use information we collect about you as follows:

- to provide you with the Services;
- to facilitate communication in accordance with our site's features, and respond to your comments and questions;
- to communicate with you, such as by sending you confirmations, invoices, technical notices, updates, security alerts, and support and administrative messages;
- to contact you about our products and services that may be of interest to you; and
- to operate, maintain, and improve our sites, products, and services, or to resolve technical problems;
- to protect, investigate, and deter against fraudulent, unauthorized, or illegal activity;
- to notify you about changes to the Services or to the terms of use or this Privacy Policy.

Third Party Disclosure

We do not sell, trade, or otherwise transfer to outside parties your personally identifiable information unless we provide you with advance notice. This does not include website hosting Resellers and other parties who assist us in operating our website, conducting our business, or servicing you, so long as those parties agree to keep this information confidential. We may also release your information when we believe release is appropriate to comply with the law, enforce our site policies, or protect ours or others' rights, property, or safety.

Sharing of Information

We may share information about you as follows:

- With Dealer Pay employees, who will only have access to information as needed for performing the functions necessary to deliver Services such as processing transactions, troubleshooting problems and providing customer service;
- With third parties to provide, maintain, and improve our Services, including service providers who access information about you to perform services on our behalf (e.g., fraud prevention, identity verification, and fee collection services), as well as financial institutions, payment networks, payment card associations, and other entities in connection with the payment or money transfer process;
- With third parties that run advertising campaigns, contests, special offers, or other events or activities in connection with our Services;
- With other users of our Services with whom you interact through your own use of our Services. For example, we may share information when you accept a payment, set up an appointment or communicate with your customers;
- In connection with, or during the negotiation of, any merger, sale of company stock or assets, financing, acquisition, divestiture, or dissolution of all or a portion of our business;
- If we believe that disclosure is reasonably necessary (i) to comply with any applicable law, regulation, legal process or governmental request (e.g., from tax authorities), (ii) to protect our rights or property, or the security or integrity of our Services, or (iv) to protect us, users of our Services or the public from harm or potentially prohibited or illegal activities; or
- With your consent

Exclusions

This Privacy Policy applies only to our website and the Services, and does not apply to communications through other channels such as email, instant message, or through social media networks, even if you open such programs or services by clicking a link displayed on the website. Email, social media, and instant messages are not recognized as secure communication forms. Please do not send any information you consider private to us by email or instant message or through social media sites (e.g., Twitter, Facebook, etc.) due to the public nature of such postings.

In addition, we may provide links to third parties' websites, which we do not control. We are not responsible for information that you provide to those third-party sites. We recommend that you review the privacy policies if any provided at those sites.

Anonymous and Aggregated Data

We may use and share anonymized or aggregated data and usage statistics for any purpose, provided that such information does not personally identify you. Anonymized data may be generated by excluding any Personal Information from data containing such Personal Information. Examples of aggregated or statistical data include the total number of visitors to our site, the number of visitors to each page of our site, the geographic locations of site visitors, browsers used to visit the site, and other type of statistical or technical information. Any information which does not personally identify you will not be deemed Personal Information under this Privacy Policy.

U.S. Processing

We are located in the United States. If you are located outside of the United States while accessing the Site (including without limitation if you are located in the European Union), please be advised that your information will be transmitted into the United States and may be stored and processed in the United States, which the European Union has not deemed to provide “adequate” privacy protection according to European Union laws, or elsewhere where we or our affiliates or service providers maintain facilities. You consent to this transfer and represent and warrant to us that you have the right to disseminate your information outside of the country where you are located. We protect the privacy and security of personally identifiable information according to this Privacy Policy regardless of where it is processed or stored. We do not warrant compliance with any laws or regulations of any other country or jurisdiction (including without limitation the European Union’s General Data Protection Regulation). If you do not consent to having your information processed and stored in the United States, please do not provide it to us.

Updating Information and Opting Out

We respect your choice of how your information is used and shared. We will use reasonable efforts to provide you with access to your personally identifiable information that we have on file for you upon request, so that you may correct, amend, or delete any inaccurate information, and we will accept requests from you via email to update your information. In addition, If you do not want us to use or share your information for marketing purposes or to inform you about products and services that may be of interest to you, you may notify us by email (or by selecting or deselecting appropriate options presented to you when we collect your information, if such option is provided). We comply with the federal CAN-SPAM Act and you can always opt out of receiving further email correspondence from us in accordance with the law.

No Collection from Children

The Services and our website are not directed at children under the age of thirteen (13), and we do not knowingly request, collect, or maintain personally identifiable information from children, in compliance with the Children’s Online Privacy Protection Act (COPPA).

California Privacy Rights

California law permits residents of California to request certain details about information we disclose to third parties for direct marketing purposes. If you are a California resident and would like to request this information, please contact us at the address listed below.

Nevada Privacy Rights

Nevada law permits customers in Nevada to opt-out of the sale of certain kinds of personal information. A sale under Nevada law is the transfer of this personal information to third parties for monetary consideration so these third parties can then re-sell or license the sold information. We do not sell your personal information to third parties as defined in Nevada law. If you are a Nevada resident and wish to opt-out of the sale of your personal information should we change our practices in the future, you must send a request by email to the contact information below.

Questions or Comments

We welcome questions and comments about this Privacy Policy. Questions or comments can be directed to us at the mailing address, email address, or phone number listed below. You can also use these contact methods to update your information or to exercise any of your rights under this Privacy Policy.

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