

## Converge Mobile Privacy Policy

**Last Changes to Privacy Policy:** November 18, 2015

Elavon, Inc. (“Elavon”, “we”, “us”, or “our”) has established this privacy policy (“Privacy Policy”) to let you know the kinds of information we may gather during your use of our Converge mobile application (the “Application”), why we gather the information, what we use the information for, and when we might disclose the information.

In order to utilize the Application, you or the entity you are authorized to represent (collectively, “you” or “your”) must enter into a separate services agreement with Elavon that governs the provision of transaction processing services (“Services Agreement”). Please be advised that the practices described in this Privacy Policy apply only to information gathered by the Application. This Privacy Policy does not apply to Cardholder Data or Transaction-related information (as those terms are defined in the Services Agreement) or any other information governed by the terms of the Services Agreement or gathered or submitted in connection with the transaction processing services provided under the Services Agreement. Each party’s rights and obligations with respect to Cardholder Data, Transaction-related information and other information gathered or submitted in connection with the transaction processing services provided under the Services Agreement are set forth in the Services Agreement. If the same information is both gathered by the Application and gathered or submitted in connection with the transaction processing services provided under the Services Agreement, the terms of the Services Agreement will govern each party’s rights and obligations with respect to such information. In addition, this Privacy Policy does not apply to information that you may submit to us offline or to websites or other services maintained or provided by us. To the extent permitted by law, in the event this Privacy Policy conflicts with the terms of any Services Agreement or other agreement with us, the terms of such Services Agreement or other agreement shall control. While this Privacy Policy is used across North America, if you reside in Canada, certain additional privacy rights may apply to you and our privacy practices are tailored to ensure compliance with your local laws.

**By using the Application, you are accepting the practices described in this Privacy Policy. If you do not agree to the terms of this Privacy Policy, please do not use the Application.**

**We reserve the right to modify or amend the terms of our Privacy Policy from time to time. We will post any Privacy Policy changes on this page, and if the changes are material, we will provide a more prominent notice. Your continued use of the Application following the posting of changes to these terms will mean you accept those changes. If we intend to apply the modifications or amendments to this Privacy Policy retroactively or to personal information already in our possession, we will provide you with notice of the modifications or amendments and if required by law, obtain your consent.**

### **What Information About Me Is Collected and Stored?**

We collect two basic types of information from you in conjunction with your use of the Application: personal information and what we refer to as non-personal information. Personal information is any information that can individually identify you and includes, among other things, your name, e-mail address, telephone number and postal address (“Personal Information”). Non-personal information for the purpose of this Privacy Policy includes information that does not personally identify you in the sense that it is not linked to your name or contact information, although it may include tracking and usage information about your demographics and use of the Application (“Non-Personal Information”).

### **Personal Information**

The following lists the most common ways in which we may collect your Personal Information:

- Registration for the Application
- Request for customer service or other assistance
- Participation in surveys, panels, or market research

### **Non-Personal Information**

In addition, when you interact with the Application, we may collect certain Non-Personal Information and our servers may automatically keep an activity log of your use of the Application. Generally and to the extent permitted under your local laws, we collect and store the following categories of Non-Personal Information:

- Demographic data such as city and state
- Device information about your device that you use to access the Application. This information may include geolocation information and unique device identifiers
- Usage information about your use of the Application
- Additional “traffic data” such as time of access, date of access, software crash reports, session identification number, and access times
- Other information regarding your use of the Application

### **Collection of Personal and Non-Personal Information from Other Sources**

To the extent permitted under your local laws, we also may collect and store information about you that we receive from other sources (including by us from our offline interactions with you) to, among other things, enable us to update and correct the information contained in our database and to better customize your experience on the Application.

### **How Do We Use Your Information?**

We use the information we learn from you to help us personalize and continually improve your experience on the Application. We may use your Personal Information and Non-Personal Information in the following ways:

#### **General Uses**

- Support Elavon’s legal compliance obligations
- Provide you with access to the Application
- Communicate with you about your account with us and send you information about features and enhancements on or to our Application
- Communicate with you about changes to our policies
- Send you newsletters, offers and promotions for our services, third party products and services, or special events by e-mail, text, or another medium, at all times in compliance with your local privacy and anti-spam laws
- Administer promotions and surveys
- Optimize or improve our products, services and operations
- Detect, investigate, and prevent activities that may violate our policies or be illegal
- Perform statistical, demographic, and marketing analyses of users of the Application

### **Combination of Your Personal Information**

To the extent permitted under your local laws, we may combine information gathered from the Application and from our other applications, websites and services into a single customer record. We also use and/or combine information that we collect off-line or we collect or receive from third party sources to enhance, expand, and check the accuracy of your customer records. If you live in Canada, you may have the right to withdraw your

consent from having your Personal Information collected, used or communicated for marketing purposes. Please refer to the section entitled “Your Canadian Privacy Rights” if you reside in Canada.

### **Use of Your Location Information**

Specifically, we use your location information to:

- Optimize or improve our products, services and operations
- Detect, investigate, and prevent activities that may violate our policies or be illegal
- Perform statistical, demographic, and marketing analyses of aggregate users of the Application

### **Who Do We Provide Your Information To?**

Except as disclosed in this Privacy Policy, we do not disclose information about your Personal Information collected through the Application to any companies not part of Elavon or its subsidiaries or related entities. Although, as disclosed below, we may provide your information to certain business partners, co-marketers and other third parties, in no event will we sell or rent your Personal Information as part of a customer list or similar transaction.

### **Third Parties**

We have agents, subsidiaries, affiliates, partners and other third parties that perform functions on our behalf, such as hosting, billing, content management tools, analytics, customer service, fraud protection, etc. These entities have access to the Personal Information needed to perform their functions and are contractually obligated to maintain the confidentiality and security of that Personal Information. They are restricted from using, selling, distributing or altering this data in any way other than to provide the requested services.

### **Business Partners and Co-Marketers**

To the extent permitted under your local laws, we may share your Personal Information with our business partners or co-marketers or with third parties that provide products and services that we think you may be interested in. If you live in Canada, you may have the right to withdraw your consent from having your personal information collected, used or communicated for marketing purposes. Please refer to the section entitled “Your Canadian Privacy Rights” if you reside in Canada. Although our treatment of your Personal Information is governed by this Privacy Policy, the business partner or third party’s treatment of your Personal Information will be governed by the business partner or third party’s privacy policy.

### **Emergency Situations**

We may also use or disclose Personal Information if required to do so by law or in the good-faith belief that such action is necessary to (a) conform to applicable law or comply with legal process served on us or the Application; (b) protect and defend our rights or property, the Application or our users, or (c) act under emergency circumstances to protect the personal safety of us, our affiliates, agents, or the users of the Application or the public.

### **Use of Non-Personal Information**

To the extent permitted under your local laws, we may disclose or share Non-Personal Information (or other information, other than Personal Information) in any other manner that we deem appropriate or necessary. Among other things, we may disclose Non-Personal Information to third parties to help us determine how people use parts of the Application and who our users are so we can improve the Application. We may also disclose Non-Personal

Information to our business partners, co-marketers and other third parties about how our users collectively use the Application.

### **What Steps Are Taken To Keep Personal Information Secure?**

We are concerned about ensuring the security of your Personal Information. We exercise great care in providing secure transmission of your information from your device to our servers. Personal Information collected by the Application is stored in secure operating environments that are not available to the public. Our security procedures mean that we may occasionally request proof of identity before we disclose your Personal Information to you. Please understand, however, that while we try our best to safeguard your Personal Information once we receive it, no transmission of data over the Internet or any other public network can be guaranteed to be 100% secure.

### **Your Obligations to Keep Your Access Rights Secure**

You promise to: (a) provide true, accurate, current and complete information about yourself and your business as prompted by the Application's registration form (such information being the "Registration Data"), and (b) maintain and promptly update the Registration Data to keep it true, accurate, current and complete. If you provide any information that is untrue, inaccurate, not current or incomplete, or Elavon has reasonable grounds to suspect that such information is untrue, inaccurate, not current or incomplete, Elavon has the right to suspend or terminate your account and refuse any and all current or future use of the Application (or any portion thereof). You are entirely responsible for the security and confidentiality of your password and account. Furthermore, you are entirely responsible for any and all activities that occur under your account.

### **What Happens When I Link To or From Another Website?**

The Application may contain links to other websites operated by Elavon, affiliates of Elavon or third parties. Please be advised that the practices described in this Privacy Policy for Elavon do not apply to information gathered through these other websites. We are not responsible for the actions and privacy policies of third parties or their websites and we therefore encourage you to familiarize yourself with the privacy policies provided by all third parties prior to visiting their websites or providing them with your information.

### **Governing Law**

The Application is published in the United States of America and in Canada. We attempt to protect the Personal Information of all users of the Application and we attempt to comply with local data protection and consumer rights laws to the extent they may apply to the Elavon services, but the Application is targeted to United States of America and Canadian citizens and our policies are directed at compliance with those laws. If you are uncertain whether this Privacy Policy conflicts with the applicable local privacy laws where you are located, you should not submit your Personal Information to Elavon.

### **Notice to Non-US Users**

If you are located outside the United States of America, you should be aware that your personal information will be transferred to the United States of America, the laws of which may be deemed by your country to have inadequate data protection. If you are located in a country outside the United States of America and voluntarily submit Personal Information to us, you thereby consent to the general use of such information as provided in this Privacy Policy and to the transfer of that information to, and/or storage of that information in, the United States of America and you understand that your information may be available to government authorities under lawful orders and laws applicable there.

## **Assignment**

We may change our ownership or corporate organization while providing the Application and services or sell certain assets associated with the Application. In such events, we will comply with your local laws that govern the transfer of personal information in business transactions and provide with appropriate notification and choice, as required by law. As a result, please be aware that in such event and to the extent permitted by law we may transfer some or all of your information to a company acquiring all or part of our assets or to another company with which we have merged. Under such circumstances we would, to the extent possible, require the acquiring party to follow the practices described in this Privacy Policy, as it may be amended from time to time. Nevertheless, to the extent permitted by law, we may not be able promise that an acquiring company or the merged company will have the same privacy practices or treat your information the same as described in this Privacy Policy.

## **Your Canadian Privacy Rights**

If you are a Canadian resident, the federal Personal Information Protection and Electronic Documents Act (“PIPEDA”) and similar provincial laws from British Columbia, Alberta and Quebec, as the case may be, may apply to you. These laws set out ground rules for how we collect, use and disclose personal information about you. You may withdraw your consent from having your personal information collected, used or communicated for secondary marketing purposes at any time, by sending an e-mail to [custsvc@elavon.com](mailto:custsvc@elavon.com) or by using the opt-out functionality that may be provided within the Application. The Canadian Anti-Spam Law (“CASL”) also regulates how we electronically communicate with you for commercial purposes. To opt-out of commercial emails, simply click the link labeled “unsubscribe” at the bottom of any email we send you. Please note that even if you opt-out of promotional emails, we may still need to contact you with important information about your account, in accordance with CASL. If you have any questions about your choices, if you wish to access information we hold about you or if you need any assistance with opting-out, please contact us via email to [custsvc@elavon.com](mailto:custsvc@elavon.com).