

## I. What does this Privacy Notice cover?

*This notice sets out what personal data we collect, for what purposes and your rights in this respect.*

This privacy notice provides you with information on the processing of your personal data when visiting the website, using services and/or purchasing products from or on behalf of Pulse Power, LLC d/b/a New Power Texas (“New Power Texas”), with the parent company MP2 Energy (“MP2”) and ultimately our group company Royal Dutch Shell plc (“Shell” or “Shell Group”) in relation to customers, suppliers, business partners, stakeholders and/or investors. For all other interactions with companies within the Shell Group please refer to <https://www.shell.com/privacy.html>.

We are committed to ensuring the privacy and security of your personal information. This privacy notice explains, amongst other things, what personal data we process, for which purposes we process your personal data, for how long we hold your personal data for; how to access and update your personal data and where to go for further information or to lodge a complaint.

If you would like to receive this Privacy Notice in an alternative format (for example, in larger print) or if you have any questions about our processing of your personal information which are not answered by this notice, please contact us at [customercare@newpowertx.com](mailto:customercare@newpowertx.com) or call us at 888-853-5747. You may download an electronic copy of this Privacy Notice at <https://www.newpowertx.com/docs/privacy-notice>.

## II. New Power Texas does not sell your information.

We will not sell or otherwise provide your personal information to third parties and will only make it available to third parties involved in the performance of the service agreed with you. Our employees and any third parties utilized by us are contractually obligated to protect the privacy and confidentiality of your information.

## III. Special Notice: Processing children’s personal data

*If personal data of children is gathered this requires consent of the parent or guardian.*

We do not collect personal data of individuals under the age of 13. If you are under 13 years old please do not send us your personal data; for example, your name, address and email address. If you wish to contact us in a way which requires you to submit your personal data (such as for education or innovation events) please get your parent or guardian to do so on your behalf.

## IV. Who is responsible for any personal data collected?

New Power Texas, whose registered address is 10200 Grogans Mill Rd #150, The Woodlands, Texas 77380, will be responsible for processing your personal data, either solely or jointly with its affiliates within the Shell Group of companies.

## V. What personal data do we process?

We collect personal data about you as a customer or visitor to our websites. This may include:

A. **Information that you provide to us:** In using our services, you may provide us with information, including, without limitation:

- Contact and identification information, such as name, address, previous address history, telephone number, e-mail address, fax number, utility account information, date and place of birth, mother’s maiden name, credit information, social security number, driver’s license or other identification number
- Product and service-related information provided as part of the enrolment process, such as information on your energy needs and use, characteristics about your home, family size, etc.
- Credit and financial information, such as bank account, credit card or other payment details
- Account information, including but not limited to, log-in credentials and unique identifiers, e.g., username and password, historical, current and ongoing electricity usage, product type, product fees, product term, customer type and other preferences relating to your account services

- Additional information to allow us to service your account, such as new address or bank account or credit card details should your circumstances change
- Customer relationship information, such as customer service requests, inquiries, and complaints including information necessary to try to resolve the aforementioned
- Additional information as otherwise described to you at the point of collection or pursuant to your consent

**B. Information we may automatically collect about you:** Our services may automatically collect certain information about you. This information may be used to help us design our services to better suit your needs. This information may include any of the following:

- Billing, credit, and/or payment history, employment and income information
- Historical, current and ongoing electricity usage
- IP address(es), electronic device information and any web browsers, search engines, operating systems, domain servers or platforms you use
- Online identifiers to enable “cookies” and similar technologies
- Log-in information, including but not limited to, date and time of your visit or use of our services

**C. Information that we obtain through your use of our services:** We will also collect information about your use of our services and products. Such information may include meter readings, consumption data, electronic device information, IP addresses, log information, browser type and preferences, location information, online identifiers to enable “cookies” and similar technologies.

## VI. What is the basis for processing your personal information?

The personal information covered by this Privacy Notice is only processed:

- With your explicit consent
- Where it is necessary to carry out and/or conclude transactions, requests, and/or contractual obligations with you
- Where it is necessary to comply with a legal or regulatory obligation which we are subject to
- Where it is necessary for the purpose of legitimate interests pursued by us, except where such interests are overridden by the interests or rights of individuals
- Where it is necessary for the legitimate interests, such as for marketing and promotional purposes, for providing offers tailored to your preferences, for detecting and investigating fraud, and/or responding to security threats

In those cases where processing is based on consent, and subject to applicable local law which provides otherwise, you have the right to withdraw your consent at any time. This will not affect the validity of the processing prior to the withdrawal of consent.

## VII. For what purposes do we process your personal data?

*We only process your personal data where we have a lawful basis and purpose to do so.*

We process your personal data for the purposes of:

- Providing (a quotation for) our products and delivering our services to you
- Managing relationships and marketing
- Account management including account verification (that is, ensuring that only you or someone you have authorized can access your account and information), managing the forecasting and calculation of consumption data and assessing the financial vulnerability of our customers, so that we can ensure you are on the best plan for your individual circumstances
- Customer service and development of our products and services
- Promotions and contests offered to customers, including offering you rewards to recognise you as a valued customer
- Performance of and analysis of market surveys and marketing strategies
- Detecting or preventing fraud

We may also process your personal data for a secondary purpose where it is closely related, such as:

- Storing, deleting, or anonymizing your personal data

- Audits, investigations, dispute resolution or insurance purposes, litigation, or defense of claims
- Statistical, historical, or scientific research
- Legal and/or regulatory compliance
- For (the preparation of a) merger, acquisition or change in the control of Shell.

In addition, in order to comply with legal and regulatory obligations, to protect our assets and employees/contractors and specifically to ensure that we can comply with trade control, anti-money laundering and/or bribery and corruption laws and other regulatory requirements, we carry out screening (pre-contract and on a periodic basis post-contract) on owners, shareholders and directors of our business customers, suppliers and business partners. This screening takes place against publicly available or government issued sanctions lists and media sources.

The screening does not involve profiling or automated decision making in relation to the counterparties or potential counterparties.

## VIII. **What are the consequences of not providing your personal data?**

Personal data gathered by us for these processes either directly or indirectly is required in order to:

- Fulfil legal requirements and/or which is required for entering a contract with a counterparty and continuing to contract with that counterparty
- maintain contact with business customers, suppliers and business partners and visitors to our website

Failure to provide us with the information required will negatively affect our ability to communicate with you, or our ability to enter a contract with a counterparty or continuing to contract with a counterparty

## IX. **Who will we share your personal data with?**

Your personal data are exclusively processed for the purposes referred to above and will only be shared on a strict need to know basis with:

- Any company that is a member of our group of companies, which includes our parent company Shell, where necessary for internal administrative purposes, corporate strategy, auditing and monitoring, sanctions screening and research and development
- We may also share your personal data with our group companies where they provide products and services to us that help us to provide products and services to you as our customer
- We may also share your data within our group of companies to offer you promotions or to inform you about related products and/or services. This is based on your marketing consent preferences and in all cases any marketing material will be sent to you by us only
- Our authorized third-party agents, service providers and/or subcontractors
- A competent public authority, government, regulatory or fiscal agency where it is necessary to comply with a legal or regulatory obligation to which we are subject to or as permitted by applicable local law
- On request of a party, we can forward your data to such party if such party has a legitimate interest to obtain your personal data. We and the requesting party will conduct a legitimate interest assessment to determine whether and which information is shared

With the aim of ensuring you have a seamless experience with the Shell Group and depending upon the nature of your engagement with Shell, we combine information gathered from the sources referred to above to create a personal profile of you. This enables you to interact with different Shell companies more easily and ensures we have the most up to date information about you in order to better develop services and products and to tailor offers relevant to your specific interests.

Please note however, you can control how Shell uses this information. You can opt out of having your personal data combined in this way. For further details please refer to section “Your rights in relation to your personal data”.

## X. **Transfers of your personal data to other countries**

*Your personal data may be transferred outside of your country, subject to appropriate safeguards.*

Where your personal data is transferred to companies within the Shell Group and/or to authorized third party agents service providers and/or subcontractors who may be located in or outside of your location we take organizational, contractual and legal measures to ensure that the personal data is exclusively processed for the purposes mentioned above and that adequate levels of protection have been implemented in order to safeguard the personal data.

These measures include Binding Corporate Rules for transfers among the Shell Group and European Commission approved transfer mechanisms for transfers to third parties in countries which have not been deemed to provide an adequate level of data protection as well as any additional local legal requirements. You can find a copy of the Shell Binding Corporate Rules at <https://www.shell.com/privacy.html>.

## XI. Security of your personal data

*We are committed to safeguarding your personal data.*

We have implemented technology and policies with the objective of protecting your privacy from unauthorised access and improper use. In particular, we may use encryption for some of our services, we apply authentication and verification processes for access to New Power Texas services and we regularly test, assess and evaluate the effectiveness of our security measures.

## XII. How long do we hold your personal data for?

*We will only hold your personal data for a defined period.*

We will only store your personal data for as long as is necessary to fulfil the purposes outlined in this notice or for as long as we reasonably consider necessary to establish, exercise or defend our legal rights. Your data will be retained in line with statutory and regulatory requirements.

In all cases information may be held for a) a longer period of time where there is a legal or regulatory reason to do so (in which case it will be deleted once no longer required for the legal or regulatory purpose) or b) a shorter period where the individual objects to the processing of their personal data and there is no longer a legitimate purpose to retain it.

## XIII. Your rights in relation to your personal data

We aim to keep our information as accurate as possible. You can request:

- Access to your personal data
- Correction or deletion of your personal data (but only where it is no longer required for a legitimate business purpose such as completing a retail transaction)
- That you no longer receive marketing communications
- That the processing of your personal data is restricted
- Combining of your personal data from different sources to create a personal profile no longer takes place
- That you receive personal data that you have provided to us, in a structured, digital form to be transmitted to another party, if this is technically feasible

To make a verifiable rights requests please email us at [customercare@newpowertx.com](mailto:customercare@newpowertx.com) or call us on 888-853-5747.

The verifiable request must:

- Provide sufficient information for us to be able to verify you are the person whose personal information we hold or are an authorized agent of that person and that the authorized agent is authorized to make the request on your behalf
- Describe your request in enough detail so that we can properly locate the personal information the request or request relate to

We cannot respond to your request unless we can verify your identity or if you are an authorized agent, your authority to make the request on behalf of the consumer. We will aim to verify your identity based on personal information we already hold about you. If we need to request further information from you in order to verify your identity, we will only use that personal information for the purposes of identifying you or that you have authorized the request.

Note that we may not be able to action a request for deletion if the personal information is required for a lawfully permitted purpose such as completing a transaction for which the personal information was collected or to comply with a legal obligation such as financial reporting. However, the personal information will be deleted once no longer needed for that purpose in line with the time periods set out above.

#### XIV. **Who to contact if you have a query, concern or complaint about your personal data**

If you have any issues, queries or complaints regarding the processing of your personal data, please contact us at: [customercare@newpowertx.com](mailto:customercare@newpowertx.com) or call us on 888-853-5747.

Since we are part of the Shell Group, you may also contact the Shell Group Chief Privacy Office at Shell International B.V. The Hague, The Netherlands - Trade Register No. 27155369 Correspondence: PO Box 162, 2501 AN, The Hague, alternatively you can also email the Shell Group Chief Privacy Office at [privacy-office-SI@shell.com](mailto:privacy-office-SI@shell.com).

If you are unsatisfied with the handling of your personal data by us, you have the right to lodge a complaint to the Shell Group regulator which is the Dutch Data Protection Authority located at Prins Clauslaan 60, 2595 AJ The Hague, The Netherlands. Please visit <https://autoriteitpersoonsgegevens.nl/en> for more information.

You also have the right to lodge a complaint to your local data privacy authority/regulator.

#### XV. **Cookies and similar technologies**

We use cookies and similar technologies that collect and store information when you visit our Website. This is to enable us to identify your internet browser and collect data on your use of our website, which pages you visit, the duration of your visits and identify these when you return so that we improve your experience when visiting our website(s). You can control and manage your cookies preferences by adjusting your browser settings or using the cookies preference tool.

#### XVI. **California Consumer Privacy Rights**

For the avoidance of doubt, all of the aforementioned provisions in the Privacy Notice apply to all consumers whose personal information is processed by New Power Texas in the United States of America regardless of state of residency. These rights are without prejudice to any additional rights you may have in line with local law.

As previously stated, New Power Texas does not sell your information.

If you would like to submit a Data Subject Request, we can send you our Data Subject Request Form. You can receive this form via email by emailing [customercare@newpowertx.com](mailto:customercare@newpowertx.com) or call us toll free on 888-853-5747 or writing to New Power Texas, 10200 Grogans Mill Rd #150, The Woodlands, Texas 77380 ATTN: Privacy – Data Subject Request Form. If you complete our form, it must be completed accurately and completely before we can respond. If you choose to submit a Data Subject Request, you must provide us with enough information to identify you and enough specificity on the requested data. We will only use the information we receive for verification. We will not be able to disclose information if it cannot verify that the person making the Data Subject Request is the person about whom we collected information, or someone authorized to act on such person's behalf.

If you are a California resident, you may submit a Data Subject Request to receive information about our data collection practices as it relates to your data. By submitting this request, you are declaring that you are a California resident availing yourself of the rights afforded to you under the California Consumer Privacy Act (CCPA).

You may request information on the categories of personal information (as defined by California law) we have collected about you; the categories of data collection sources; any business or commercial purpose for collecting or selling personal information; the categories of third parties with whom we share personal information, if any; and the specific pieces of personal information we have collected about you. If you would like to also receive information about our data disclosure for business purposes, then please include that in the Data Subject Request. We will clarify whether the information was collected and disclosed or simply collected and kept internally.

Please note that the categories of personal information and sources will not exceed what is contained in this Privacy Policy. Additionally, we are not required to retain any information about you if it is only used for a one-time transaction and would not be maintained in the ordinary course of business. We are also not required to re-identify personal information if it is not stored in that manner already, nor is it required to provide the personal information to you more than twice in a twelve-month period.

You may request that we delete your personal information. Your deletion request should be submitted through a Data Subject Request. Subject to certain exceptions set out below we will, on receipt of a verifiable Data Subject Request, delete your personal information from our records and direct any service providers to do the same.

Please note that we may not delete your personal information if it is necessary to:

- Complete the transaction for which the personal information was collected
- Provide a good or service requested by you, or reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform a contract between you and us
- Detect security incidents, protect against malicious, deceptive activity, and take all necessary and appropriate steps to mitigate current and future risk
- Debug and repair internal information technology as necessary
- Undertake internal research for technological development and demonstration
- Exercise free speech, ensure the right of another consumer to exercise his or her right of free speech, or exercise another right provided for by law
- Comply with the California Electronic Communications Privacy Act
- Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when our deletion of the Information is likely to render impossible or seriously impair the achievement of such research, provided we have obtained your informed consent
- Enable solely internal uses that are reasonably aligned with your expectations based on your relationship with us
- Comply with an existing legal obligation
- Otherwise use your personal information, internally, in a lawful manner that is compatible with the context in which you provided the Information

In addition, if you are a California resident under the age of 18 and are a registered user, you may request us to remove content or information posted on our websites or stored on our servers by (a) submitting a request in writing to [customercare@newpowertx.com](mailto:customercare@newpowertx.com) and (b) clearly identifying the content or information you wish to have removed and providing sufficient information to allow us to locate the content or information to be removed. However, please note that we are not required to erase or otherwise eliminate content or information if (i) other state or federal laws require us or a third party to maintain the content or information; (ii) the content or information was posted, stored, or republished by another user; (iii) the content or information is anonymized so that the minor cannot be individually identified; (iv) the minor does not follow the instructions posted in this Policy on how to request removal of such content or information; and (v) the minor has received compensation or other consideration for providing the content. Further, nothing in this provision shall be construed to limit the authority of a law enforcement agency to obtain such content or information.

New Power Texas will not discriminate against you for exercising any of your rights explained in this Privacy Notice regardless of whether or not the California Consumer Privacy Act applies to you, including:

- Denying you access to goods and/or services
- Charging you different prices or rates for goods or services, including through granting discounts or other benefits or imposing penalties
- Providing you a different level of goods and/or services
- Suggesting you may receive a different price or rate for goods and/or services or a different level of quality of goods and/or services
- However, we can and may charge you a different rate, or provide a different level of quality, if the difference is reasonably related to the value provided by your personal information

The categories of Personal Information that we collect from you, include:

- The categories of personal information gathered about you during the preceding 12 months are those listed above under “What personal information do we collect and process?” but only to the extent this is relevant to



you.

The categories of third parties to whom we may disclose your Personal Information include:

- The categories of third party to whom we have disclosed your personal information during the preceding 12 months are those listed above under “Who will we share your personal information with?” but only to the extent this is relevant to you.

## XVII. **Changes to this Privacy Policy**

*Privacy notices are updated over time.*

This Privacy Notice may change over time and you are advised to regularly review this Privacy Notice for possible changes. This notice was last updated on April 27<sup>th</sup>, 2021.