

# ES OPCO USA LLC STANDARD PRIVACY POLICY

**Effective Date** February 18, 2020

**Introduction** ES OpCo USA LLC is committed to protecting the privacy of its customers and suppliers in accordance with applicable laws and regulations. ES OpCo USA LLC supports the fundamental rights to privacy and data protection as well as compliance with national and international privacy laws, including the General Data Protection Regulation (GDPR).

**Personal Information You Provide to Us** ES OpCo USA LLC collects your personal information that you provide to us to create an account, when you call us, use online account tools, report service issues, complete surveys, enter contests and promotions, or otherwise communicate with us. This information may include your name and contact information such as billing address, email address and phone numbers. We may also collect information about your account and your use of our services, which may include your account number, billing and payment history.

We may collect information that is sent to us automatically by your web browser. This information typically includes your Internet Protocol (IP) address, the identity of your internet service provider, the name and version of your operating system and browser, the date and time of your visit, the page that linked you to ES OpCo USA LLC, and the pages you visit. We also may obtain data and information about you from third-parties, e.g. credit information from credit reporting agencies.

**How We May Use Your Personal Information** We comply with our legal obligations in the following ways:

- keep personal data up to date;
- store and destroy it properly;
- protect personal data from loss, misuse, unauthorized access and disclosure; and
- ensure that appropriate technical measures are in place to protect personal data.

**Legal Basis for Processing Your Personal Data** Processing may be necessary for the legitimate interests of ES OpCo USA LLC or a third-party, except where such interests are in conflict with your interests, rights or freedoms. Processing may be necessary for the entering or performance of a contract with you. For certain additional purposes, your personal information will only be used with your explicit consent.

In particular, your personal information may be used:

- To provide you with effective and efficient customer service;
- to provide products, information and services you request;
- process orders you place on our websites;
- for analytical purposes;
- to improve the content, functionality, performance and usability of our website;
- to provide technical support and troubleshooting;

- in connection with our legal rights and obligations; and
- for certain additional purposes only with your explicit consent.

**Your Choices** We respect your right to make choices about the ways we collect, use and disclose your personal information. Where appropriate you are asked to indicate your choices at the time we collect your personal information. If you receive email or marketing communications, you may "opt-out" of that service at any time by using the unsubscribe feature included in the e-mails.

**How We May Share Your Personal Information** If permitted by applicable law, we may share your information:

- *Within ES OpCo USA LLC* for the purposes set forth in this online Privacy Notice.
- *With our Third-Party Service Providers* that perform services on our behalf. Our third-party service providers are required to use adequate privacy protections and may use the information only for the purpose of providing services to ES OpCo USA LLC. ES OpCo USA LLC does not sell, rent, and trade your personal information. ES OpCo USA LLC may transfer your personal information outside the country or geographic region in which you are located. Where we do so, we will ensure appropriate safeguards are in place.
- *Business Transactions and Transfers* ES OpCo USA LLC may buy, sell, form, or otherwise reorganize one or more of its businesses or sell stock or assets, for example, as the result of a sale, merger, reorganization or liquidation. A transaction of this type may involve the disclosure of your information to prospective purchasers or partners. In this case, we will ensure appropriate safeguards and strict confidentiality provisions are in place.
- *Compliance with Laws and Protection of Our Rights and the Rights of Others* We may disclose personal information when we, in good faith, believe disclosure is appropriate to comply with the law, a court order or a subpoena. We may also disclose personal information to cooperate with a government investigation; to prevent or investigate a possible crime, such as fraud or identity theft; to enforce or apply our online terms of use or other agreements; or to protect our own rights or property or the rights, property or safety of our users or others.

We will not use your personal information to send product or promotional advertising unless you have agreed to receive those.

**External Links** ES OpCo USA LLC's websites may contain links to other sites operated by third-parties. ES OpCo USA LLC is not responsible for the actions and privacy policies of third-party websites.

**Cookies and Other Storage Technologies** ES OpCo USA LLC may use "cookie" technology on our websites. A cookie contains information that is sent by a website and stored in your hard drive or temporary memory. You will be asked for your consent and you may change your cookie settings on your internet browser or delete our cookies at any time. We may use cookies to save your preferences for our websites or to collect statistics related to the number of visitors to our websites and requests for files, the types of browsers used, and other aggregate data. ES

OpCo USA LLC may also use transparent pixels (e.g. GIF, PNG, etc.) files to help manage online advertising by collecting information related to which advertisements drive traffic to our websites. The lifespan of these cookies range from deletion at the end of a browser session to up to 60 days for preference setting, and some cookies may persist for up to one year. ES OpCo USA LLC does not collect geo-location data.

**Analytics** This website may use web analytics services provided by Google, Inc. (“Google”) respectively. These analytics services use “cookies”, which are text files placed on your computer, to help the website analyze how users use the site. Google may use this information as per their privacy policy. By using this website, you will consent to the processing of data about you by Google in the manner and for the purposes set out above.

**Ad Remarketing** This website may use Google AdWords, Facebook, LinkedIn, AddThis and Turn remarketing services and possibly other services to advertise on third-party websites to previous visitors to our websites. Any data collected by us will be used in accordance with our online Privacy Notice. You will be asked for your consent if required and, if you want to, you can [opt out of interest-based advertising entirely by cookie settings](#) or [permanently using a browser plugin](#).

**Use of Special Features or Areas of Our Websites** Some of our websites include special features, such as surveys, licensed content, online store, or password protected areas. Specific privacy statements may appear on such ES OpCo USA LLC websites, including but not limited to our investor and career sites. On such websites you may be asked to agree to special terms governing your use of the special feature or password-protected area.

**Public Forums** We may offer chat rooms, blogs, message boards, bulletin boards or similar public forums where you and other users of our website can communicate. Unless otherwise required by applicable law or regulation, the protections described in the online Privacy Notice do not apply to information (including personal information) that you post and/or volunteer in these public forums. Any information you share in a public forum is public information and may be seen or collected by anyone, including third-parties that do not adhere to our online Privacy Notice. ES OpCo USA LLC is not responsible for the events arising from the distribution of any information you choose to publicly post or share through our websites.

**Children’s Privacy** We do not knowingly collect information from children to sell or promote our products or services. Visitors must have an age of at least 18 years to submit registration or survey information. If you believe a person below the age of eighteen has sent personal contact information to ES OpCo USA LLC, please [contact us](#) immediately at the address listed below and we will use reasonable efforts to promptly remove that information from our databases.

**Security** ES OpCo USA LLC follows industry-standard practices to secure the information we collect to prevent the unauthorized access, use, or disclosure of information. These security practices include technical, administrative, and physical safeguards. ES OpCo USA LLC applies appropriate measures to protect the personal information in ES OpCo USA LLC’s possession from loss, misuse, unauthorized access, disclosure, alteration and destruction. ES OpCo USA

LLC takes commercially reasonable precautions to protect the confidentiality, integrity and security of your personal information.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

- *SSL Protection* Some password-protected areas of our websites require a secure connection with your computer. We use an encryption technology called Secure Socket Layers (SSL). A secure connection is maintained until you leave the secure area of the site. ES OpCo USA LLC cannot guarantee the safety of transmitting personal information over the Internet.
- *Password Protection* You are responsible for maintaining the confidentiality of your passwords. We have the right to assume that anyone accessing one of our websites using a password assigned to you has the right to do so. You will be solely responsible for the activities of anyone accessing our websites using a password assigned to you. You must promptly change your passwords if you see a risk of your password being compromised.

**Retention** Your personal information may be retained by ES OpCo USA LLC for the legally required timeframe. Afterwards we will securely destroy your personal data according to our internal policies and procedures.

**Your rights** Your rights in relation to your personal information include the ability to:

- Access your personal information and to certain other supplementary information that this Privacy Notice is designed to address;
- correct your personal information if it is found to be inaccurate or out of date;
- have your personal information deleted;
- restrict or object to the processing of your personal information, in particular when the organization is relying on its legitimate interests as the legal ground for processing;
- transfer your data in a portable format, in particular when the processing is based on your consent or is carried out by automated means;
- complain to a supervisor authority;
- withdraw your previously provided consent to the use of your personal information; and
- request restriction is placed on further processing where there is a dispute in relation to the accuracy or processing of your personal data.

If you have created an account or a personal profile on one of our websites, you should be able to access and update some or all of your personal information. If you wish to access, update or correct *other* personal information, please contact us. We may ask you for additional information to verify your identity. In most cases, we will update information as requested, if we have no reason to limit or deny your request as permitted or required by law, or if we are unable to verify your identity.

**Contact ES OpCo USA LLC** To exercise all relevant rights, queries or complaints please contact ES OpCo USA LLC in the following ways:

- E-mail ES OpCo USA LLC's Privacy Program at [contact@univares.com](mailto:contact@univares.com);
- contact the Global Privacy Counsel and Data Protection Officers in Europe, Middle East, and Africa (EMEA) at T +41 (0)58 360 7212 or [contact@univares.com](mailto:contact@univares.com); or
- send postal mail to:

Privacy Program  
ES OpCo USA LLC  
10800 Pecan Park Blvd  
Suite #300  
Austin, TX 78750 USA  
ATTN: Information Protection Program Manager.

The GDPR also gives you the right to lodge a complaint with a supervisory authority, in particular in the European Union (or EEA) state where you work, live or where any alleged infringement of data protection laws occurred.

Your California Privacy Rights California Civil Code Section 1798.83, also known as the "Shine The Light" law, permits ES OpCo USA LLC customers who are California residents to annually request and obtain information about the personal information (if any) ES OpCo USA LLC may have disclosed to third-parties for direct marketing purposes in the preceding calendar year, at no charge. If applicable, this information would include a list of the categories of personal information that were shared and the names and addresses of all third-parties with which ES OpCo USA LLC shared information in the immediately preceding calendar year. If you are a California resident and would like to make such a request, please submit your request in writing through the contact information above.

**Changes to This Online Privacy Notice** ES OpCo USA LLC reserves the right to modify this online Privacy Notice as required by posting a revised version on our websites. These changes will be effective as of the posting date.