

**ESPIAL ELEVATE (FORMERLY WHOLE HOME SOLUTION) PRIVACY POLICY
AND CALIFORNIA PRIVACY RIGHTS STATEMENT**

INTRODUCTION

Espial may collect and receive information from you through its websites¹ as well as through the Moxi User Interface, Portal and Services associated with the Espial Elevate (formerly Whole Home Solution). Because the privacy and protection of your information is important to us, we have developed two different privacy policies; one for our websites, and one for the Services related to the Espial Elevate (formerly Whole Home Solution). Additionally, we have provided your California Privacy Rights Statement with respect to the Espial Elevate (formerly Whole Home Solution) Service(s). You can find each of these privacy policies at www.espial.com/legal. Below we have included the Espial Elevate (formerly Whole Home Solution) (WHS) Privacy Policy and corresponding California Privacy Rights Statement for your convenience. Please note, this document is subject to change without notice, and the most recent version will be posted on URL listed above.

Espial WHS PRIVACY POLICY

Espial Group Inc, (Espial) provides the Espial Elevate (formerly Whole Home Solution) products and related services. To provide you with the benefits of these products, Espial must collect and uses certain types of information from you. Espial has created this Espial WHS Privacy Policy ("Privacy Policy") to explain our privacy practices and policies in connection with the Espial Elevate (formerly Whole Home Solution) Services.

YOUR CALIFORNIA PRIVACY RIGHTS

Pursuant to California Civil Code Section 1798.83(a), if you downloaded or otherwise received, installed or use the software and/or services of the Espial Elevate (formerly Whole Home Solution), you may request the following information, which will be provided to you either in writing or e-mail free of charge: (1) a list of the categories of personal information disclosed by Espial to third parties (which may include your Service Provider) for the third parties' direct marketing purposes during the immediately preceding calendar year and (2) the names and addresses of all third parties that received personal information from Espial for the third parties' direct marketing purposes (again, which may include your Service Provider) during the preceding calendar year and, if the nature of the third parties' business cannot reasonably be determined from the third parties' name, examples of the products or services marketed, if known to Espial, sufficient to give you a reasonable indication of the nature of the third parties' business.

Consumer requests for this information should be sent to info@espial.com.

¹ See Exhibit 1 and Espial website for the current list.

WHAT DOES THIS PRIVACY POLICY COVER?

Except as noted in the next paragraph, this Privacy Policy applies to you if you downloaded or otherwise received, installed or use the Espial software and/or services of the Espial Elevate (formerly Whole Home Solution) ("Services") on a television, a television set-top box, home media center, computer, entertainment device or other device providing similar functions (collectively, "Device"). We and your Service Provider may collect information relating to your use of the Services in order to provide services and features that are easy to use and responsive to your needs and interests. Please visit your Service Provider's web site for the Service Provider's privacy policy. We may also use this information to enhance your services and features, to give you superior customer service, to provide you with convenient access to the products and services, and to make a wider range of products available to you.

This Privacy Policy will not apply to you if you received the Services through a cable television provider or other video service provider (such as your telephone company or satellite service). In this event, the privacy policy established by your service provider will govern the collection and use of your personal information. If you have any questions as to which policy applies to you, please email us at info@espial.com.

This Privacy Policy applies to the use of the Services, which includes, without limitation, the Services provided on all portions of the web portal you log into to manage your account, provided that web portal is managed by Espial and not your service provider as may be the case, and that the portal identified as your log in portal can only be legitimately accessed (directly or indirectly) via or from a password protected webpage (collectively, "Service Webpages"). This Privacy Policy does not apply to the use of Espial websites (such as www.espial.com or www.moxi.com) except (1) for access to and use of the Moxi Service Webpages and/or (2) in the circumstances described in Section 5 of the Privacy Policy. Except for these two exceptions, the Espial Website Privacy Policy covers our activities on these web sites. A copy of this privacy policy is included below. The provisions of the Website Privacy Policy regarding cookies and web beacons also apply to the use of your login portal where applicable, when managed by Espial, including the Service Webpages.

Please read this Privacy Policy carefully. By downloading, installing and/or using the Espial Elevate (formerly Whole Home Solution) product and/or software or using our Services, you agree to the provisions of this Privacy Policy, including the privacy preferences explained in Section 3.1.

1. Espial Collection and Use of Information. Espial collects various categories of information in connection with the use of the Services. Some of this information specifically identifies you or your household. Some of the information is anonymous in that you or your household is not associated with the information. The following definitions provide a system for classifying this information. In general, we use "Customer Information" as a term that refers to any personally identifiable or anonymous information relating to you or your use of our Services. The following are more specific types of Customer Information.

1.1 Account Information. Account Information is information about your Service account, including your Contact Information and Service Information (defined below) and other account related information such as the video service provider you use, the type of service you use (digital or analog), your Device type and model number, your level of service (e.g., basic or premium), the amount of use of any metered service or other similar usage information that is necessary for us to manage your account, your subscription to features or services offered through the Services and privacy preferences. Account Information also includes information we may receive through means other than the Service from you or a technology provider, service provider, third party website, or merchant involved in the development and/or provision of the functionality of the Device and/or the Services. However, Account Information does not include any Personally Identifiable Information, as defined below. We wish to tell you about two specific categories of Account Information:

"Contact Information" means information that allows someone to identify or contact you, including, for example: your name, address, telephone number and email address. Contact Information is a subset of Account Information as it is linked to your account number.

"Service Information" means information necessary for Espial to provide Services to your Device. Examples of Service Information include your software version number, your television program or content service provider, level of service and the last attempted connection between your Device and Espial servers. The Service Information is always transmitted to Espial when the Device is connected to the Espial Services.

We also use your Account Information in aggregate, anonymous form to better understand how our subscribers use our services, which services they use and who is likely to be interested in receiving certain services and other legitimate business purposes.

1.2 Program Information. Program Information is information about the television program choices that you and those in your household make while using the Services. There are two types of Program Information

"Personally Identifiable Program Information" means Program Information that is linked to or associated with your Contact Information, but excludes any information described elsewhere in this Privacy Policy as Device Utilization Information or Service Information.

Your Device uses Personally Identifiable Program Information to populate your "Favorites" filter with channels that you frequently choose, or select advertisements or other promotions that you may be interested in. We do not collect your Personally Identifiable Program Information without your consent. A method to consent is set forth below in Section 3.2. Upon receiving this information from your Device, we immediately "anonymize" the information by removing any identifier that can be associated with your personal Contact Information. If you expressly choose to allow us to collect your Personally Identifiable Program Information, we may use this information for surveys, audience measurement, and other legitimate business purposes.

"**Anonymous Program Information**" means Program Information that is *not* linked to or associated with information that allows someone to identify you. Anonymous Program Information may be associated with or include other Account Information or Commerce Information that does not allow us or anyone else to identify you. To help us provide and enhance the services and better understand its value to our customers, we receive this type of anonymous information from your Device as you use the Services. It allows us to understand usage of the Services and Devices at a ZIP Code level.

We use Anonymous Program Information to troubleshoot technical issues with our service and network. We also use Anonymous Program Information to compile statistics and reports of usage of the Service, such as "Most Watched" or "Most Recorded" programs. To enable technical support, Anonymous Program Information may be identified by an anonymous random number which is not connected to any of your personally identifiable information. To further protect your privacy, Anonymous Program Information does not include Contact Information or any other information that would identify any specific individual or household.

1.3 Device Utilization Information. Device Utilization Information is data that contains detailed information about the operation of a Device, such as memory management, storage management, and internal environmental monitoring such as abnormal changes in components' temperatures and operating levels. Device Utilization Information records are linked to your Account Information. Device Utilization Information does not include Program Information.

We use Device Utilization Information for technical troubleshooting, quality control, customer support and enhancement of the Services.

1.4 Commerce Information. Commerce Information is personally identifiable information (including Account Information) that enables a third party to fulfill your request to participate in a promotion or transaction or to obtain information from that party. Commerce Information includes only the personally identifiable information necessary for the third party to fulfill your request.

We may, through the Services, present you with opportunities to purchase goods and services, request specific product and/or service information or participate in special offers from us, sponsors, advertisers or other merchants. If you wish to take advantage of such an offer or engage in a transaction, we will communicate your relevant Contact Information and your interest in a specific offer or transaction to the party sponsoring the promotion or transaction. Such party may use your information to fulfill your request as well as to send you other information in which you may be interested in accordance with its own privacy policy. We will only disclose your Commerce Information in response to your request to take advantage of such an offer or engage in a transaction. You should be aware that Espial does not control such third parties.

1.5 Feature Information. Feature Information is personally identifiable information about (i) television programming or other content that you request your Device to record or identify, (ii) a feature offered by

a third party which you have requested through the Services or (iii) the use of certain features such as online scheduling.

If the feature or service is offered by a third party, Espial will collect and communicate to the third party the necessary Customer Information to complete the transaction. In the case of third party service providers, the use of this information will be governed by the privacy policy of the respective third party service provider. Espial collects this information upon your affirmative choice to use a particular feature or service. Again, Espial does not control such third parties.

2. Espial Disclosure of Customer Information to Third Parties. We may disclose aggregated, anonymous Account Information, aggregated, anonymous Device Utilization Information, aggregated Anonymous Program Information and analyses and reports derived from such information to third parties including broadcasters, our service providers, advertisers, merchants, consumer and market research companies and other organizations.

2.1 Commerce Partners. When you take advantage of a special offer from us or a third party advertiser or promoter or when you affirmatively seek more information about the offer, we will collect your Commerce Information and relevant Account Information and provide it to the commerce partner sponsoring and/or fulfilling the promotion. In addition to fulfilling your request, that commerce partner may also use your Commerce Information to send you other information in which you might be interested consistent with its own privacy policies. This information is disclosed only upon your affirmative response to an offer or request for information. By responding to such offer, you "opt-in" to this disclosure and use of your Commerce Information for the specific transaction you have requested.

2.3 Factors Beyond our Control; Compliance with the Law: Protection of Our System and Services. Your privacy is very important to us. Due to factors beyond our control, however, we cannot fully ensure that your Customer Information will not be disclosed to unintended third party recipients. For example, we may be legally obligated to disclose Customer Information to the government or third parties under certain circumstances such as a legal demand issued by a government entity, a subpoena issued in connection with a civil or criminal investigation or litigation or a court order. We may also determine that, the provisions above notwithstanding, it is necessary for us to disclose your Account Information and Personally Identifiable Program Information to comply with the Electronic Communications Privacy Act, the Digital Millennium Copyright Act and any other relevant laws, to enforce our applicable End User License Agreement and Service Agreement or any other of our policies, to protect the integrity of our operations and to protect our customers or to prevent a crime. Further, third parties may circumvent our security measures to unlawfully intercept or access your Customer Information.

3. Your Choices Regarding Customer Information.

3.1 Initial Privacy Settings. The initial privacy preferences for your account, summarized below, do not allow us to collect Personally Identifiable Program Information, but do allow us to collect, use, and disclose Anonymous Program Information and Device Utilization Information, in addition to Account Information, in manners consistent with this Privacy Policy. Commerce Information and Feature Information are collected, used, and disclosed only upon your affirmative response to an offer or request for the product, service or feature concerned.

In summary, your default privacy settings are:

Information Type Default Privacy Preference

- (1) Account Information Required to Provide Service* Espial Privacy Policies and California Privacy Rights Statement 20140320
- (2) Personally Identifiable Program Information Not collected, unless you opt-in
- (3) Anonymous Program Information Required to Provide Service*
- (4) Device Utilization Information Required to Provide Service*
- (5) Commerce Information Not collected, unless you opt-in
- (6) Feature Information Not collected, unless you opt-in

* As described immediately below, you may opt-out with respect to our providing you communications regarding upcoming promotions that may interest you. Espial will still use the information for the other purposes outlined in Sections 1 and 2 above, including without limitation sending you messages related to various Espial Elevate (formerly Whole Home Solution) services.

3.2 Changing your Privacy Settings: How to Opt-In or Opt-Out. You may change your initial privacy settings by accessing your account through the web portal where you would log into your account. You may choose to change your privacy preferences to allow us to collect Personally Identifiable Program Information. In all cases, however, we will collect and use your Account Information to enable us to provide your Device with the Services and to bill you for any Services. We will also collect and use Anonymous Program Information and Device Utilization Information for the purposes stated in this Privacy Policy.

3.3 Effect of Certain Opt-Out Choices. You understand that our ability to gather and use Customer Information may be necessary to provide certain personalized services, features, and functions. If we cannot gather certain Customer Information (such as Personally Identifiable Program Information, certain Device Utilization Information, Anonymous Program Information, Commerce Information and Feature Information), we will be unable to provide such personalized services, features and functions.

3.4 Review and Update of Account Information. You may review your Account Information collected and stored by us and may ask us to change or update this information. If you would like to review your

Account Information, you may access your account at the [portal where you would log into your account](#) and may make changes to your Account Information there.

4. Information from Children. We feel strongly about protecting the privacy of children and encourage parents to be involved in their minor children's use of the Services. We comply with all applicable laws designed to protect children's information. If a child informs us that he or she is under the age of 14, we will ask a parent to confirm his or her consent in advance of any collection, use or disclosure of personal information from that child. You should be aware, however, that the use of the Services and television viewing in general may be accomplished by minors and children under the age of 14 without the knowledge of Espial or the cable service provider. If that happens, any information collected from the usage will appear to be information of the actual adult customer and treated as such by Espial.

5. Espial Websites. We have a separate privacy policy that covers browsing activities on our websites. These details can be reviewed at espial.com/legal.

6. Security of Customer Information.

When you contact us by email or phone regarding your account, for your security, we ask you for certain Account Information to verify your identity before accepting requests to make changes to the account. We take these steps to ensure that only you or a household member who knows your Account Information will be able to access or change your Subscriber Information. We use industry-standard security methods, such as encryption, to secure the communication of viewing information from your Device to us. In addition, we use industry-standard methods of securing our databases that house Customer Information. Except as provided elsewhere in this Privacy Policy, Espial limits access to Customer Information databases to those persons in the Espial organization who have a business need for such access, including servicing your account, informing you of service news and special offers, or aggregating Account Information or Anonymous Usage Information. However, you should know that no company, including Espial, can fully eliminate security risks associated with Customer Information.

7. General.

7.1 Future Features, Services, and Amendments to this Privacy Policy. We intend to upgrade the Service from time to time to provide you with new features on an ongoing basis. We also intend to make available new services in the future. To the extent that any new features or services may require amendments to this Privacy Policy these amendments are effective upon notice to you. In the event that we make a substantial and material change to our treatment of Customer Information, such as a change in the way that we collect, use, or disclose Personally Identifiable Program Information, we will notify you of such planned change and offer you the opportunity to alter your privacy preferences. We may notify you of any such revisions by posting notice of the changes on our website (espial.com/espial-legal) or on the Services or by electronic or regular mail. Your continued use of the Services following notification of changes to the Privacy Policy will mean you accept those changes.

7.2 Technical Problems. Even though we have taken significant steps to ensure that your Customer Information is never collected, used, or disclosed by us except as set forth by this Privacy Policy, technical mistakes are possible. If such a mistake takes place, we will take commercially reasonable steps to correct it.

7.3 Contact Us. Our intention is to be diligent in protecting your privacy by carefully following our Privacy Policy. If you would like to make suggestions or find out more about our privacy practices, please email us at info@espial.com.

7.4 Interpreting this Privacy Policy. Examples listed in this Privacy Policy are provided to assist your understanding of this Privacy Policy and are not intended as exhaustive lists. Section headings are provided for your convenience. This Privacy Policy supplements and is incorporated into the applicable End User License Agreement and Service Agreement. By downloading, installing and/or using the Espial Elevate (formerly Whole Home Solution) software or using our Services, you agree to the provisions of this Privacy Policy, including the privacy preferences explained in Section 3.