

PENSKE TOYOTA OF DOWNEY

Privacy Statement

Last Updated: December 16, 2019

Welcome to Penske Toyota of Downey (“Penske Toyota,” “we,” “us” or “our”). Our dealership takes your privacy seriously and is committed to safeguarding your privacy both online and at our dealership. Because we gather certain types of information from visitors to our sites and dealership, we have developed this Privacy Statement to help you understand the terms and conditions surrounding the collection and use of that information. This Privacy Statement discloses the types of information we gather, how it is used and shared, and how you can gain access to and edit any personal information that we have collected about you at any time. When we collect personal information from visitors, we will make every reasonable effort to avoid excessive or irrelevant collection of data. Penske Toyota and Toyota Motor Sales, U.S.A., Inc. (“Toyota Corporate”) are nonaffiliated parties. This Privacy Statement applies only to Penske Toyota and not the Toyota Corporate website. By using our sites and services (collectively, the “Services”), you acknowledge that you have read and understood the terms and conditions of this Privacy Statement. If you do not agree to the terms and conditions of this Privacy Statement, please do not use the Services.

Those with disabilities may access this Privacy Statement by clicking the accessibility symbol on the lower right corner of this screen or by clicking [here](#) to view a PDF.

Your use of the Services is also governed by our Terms of Use.

PLEASE NOTE THE ARBITRATION PROVISION SET FORTH BELOW, WHICH REQUIRES, EXCEPT WHERE AND TO THE EXTENT PROHIBITED BY LAW, YOU TO ARBITRATE ANY CLAIMS YOU MAY HAVE AGAINST PENSKE TOYOTA ON AN INDIVIDUAL BASIS. ARBITRATION ON AN INDIVIDUAL BASIS MEANS THAT YOU WILL NOT HAVE, AND YOU WAIVE, THE RIGHT FOR A JUDGE OR JURY TO DECIDE YOUR CLAIMS, AND THAT YOU MAY NOT PROCEED IN A CLASS OR CONSOLIDATED CAPACITY.

INFORMATION COLLECTED

“Personal information” is information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. We have collected the following categories of information from and about you in the preceding 12 months:

Category of Personal Information	Source(s)	Purpose(s)	Disclosure to Third Parties within the Last 12 Months
Personal Identifiers (e.g., name, email address, telephone numbers, social security number, and driver's license)	Directly from you Indirectly from you (e.g., from observing your actions on our Services) From third party service providers, such as data analytics providers or social media platforms	To fulfill or meet the reason you provided the information, e.g., to respond to an inquiry or process your order, such as to purchase or lease a vehicle, schedule service, or facilitate vehicle financing, test drive a vehicle, receive service updates via text messaging, and comply with legal requirements such as the titling of a vehicle	Disclosure for business purposes to: internet service providers, payment processors, financial institutions, governmental agencies, rental car companies Disclosure for marketing purposes and vehicle safety and warranty purposes to: vehicle manufacturers Disclosure for safety and warranty purposes to: vehicle manufacturers
Protected classification characteristics under California or federal law (e.g., ethnicity and language)	Directly from you	To fulfill or meet the reason you provided the information, e.g., to provide targeted advertising or meet your language requirements, such as speaking in a language other than English	N/A
Financial and professional/employment-related information (e.g., employer information, compensation data, and insurance information)	Directly from you	To fulfill or meet the reason you provided the information, e.g., to process credit, vehicle financing, or employment applications	Disclosure for business purposes to: financing companies or background check providers
Commercial information (e.g., payment information, purchase history, credit application)	Directly from you	To fulfill or meet the reason you provided the information, e.g., to respond to an inquiry or process your order, such as the purchase or lease of a vehicle, obtaining vehicle financing, paying for service, or buying parts	Disclosure for business purposes to: payment processors, delivery services, financial institutions Disclosure for marketing purposes to: vehicle manufacturers Disclosure for safety and warranty purposes to: vehicle manufacturers

Category of Personal Information	Source(s)	Purpose(s)	Disclosure to Third Parties within the Last 12 Months
Biometric data (e.g., voice recordings, thumbprint)	Directly from you	To monitor customer service and enhance capabilities and business efficiencies, such as recording a call for training purposes. To minimize identity theft in the purchase or lease of a vehicle and vehicle financing.	Disclosure to comply with legal or safety requirements to: government agencies
Internet or other similar network activity (e.g., when you visit our sites, usage, viewing, technical, and device data, including your browser or device type, unique device identifier, and IP address)	Indirectly from you (e.g., from observing your actions on our Services or websites) From third party service providers, such as data analytics providers	To fulfill or meet the reason you provided the information, e.g., to provide and improve targeted advertising and improve our website functionality and user experience on our website	Disclosure for business purposes to: internet service providers
Geolocation data (e.g., latitude and longitude coordinates)	Directly from you Indirectly from you (e.g., from observing your actions on our Services)	To fulfill or meet the reason you provided the information, e.g., to respond to an inquiry, process your order, provide targeted advertising, locate a vehicle, or manage the loaner vehicle	Disclosure for business purposes to: internet service providers and repossession companies Disclosure for safety and warranty purposes to: vehicle manufacturers
Inferences drawn from other personal information	Indirectly from you (e.g., from observing your actions on our Services) From third party service providers, such as data analytics providers or social media platforms	To fulfill or meet the reason you provided the information, e.g., to provide targeted advertising	N/A

The following are additional explanations about our data collection that may be helpful to you.

- **Usage Information:** Anytime you visit our sites, we may gather certain information regarding the means you use to access our sites. This information may include the type and version of your browser, your service provider, your IP address and any search engine you may have used to locate the sites. We use this information to help diagnose problems with our server,

administer the sites, and compile broad statistical data. In addition, we gather certain navigational information about where you go on our sites. This information enables us to determine which areas of the sites are most frequently visited and helps us to tailor the sites to the needs and interests of our online visitors. Such information is gathered by us in the aggregate and will not be associated with a specific individual without that individual's consent.

- **Information Voluntarily Provided on the Sites:** We may collect information you voluntarily provide to us (i.e., contact information such as name, e-mail address, etc.), such as when you enroll in one of our courtesy e-mail reminder for vehicle-related services (“E-Mail Reminder Services”), schedule service appointments, request information, or use any of the other interactive portions of our sites (i.e., our used car appraisal tool, express store, etc.). The personal information you provide to us will be shared with Toyota Corporate and may be used by Toyota Corporate for their own marketing purposes.
- **Information Provided at Our Dealership:** We may collect information you voluntarily provide to us at our dealership, for example, if you test drive a car, purchase a car, or bring your car in for service. Such information may include contact information, such as your name, e-mail address, payment information, and insurance information, as well as other information about your car. We may collect financial information if you wish to obtain financing for a car purchase.
- **Information Collected from Other Sources:** To help us better understand and respond to your needs and interests, we may in the future receive information about you from other sources, such as third party referral sites. We will ask any provider of such information to represent and warrant that the information has been gathered and maintained in accordance with all state and federal laws. Any such information will be maintained by us in accordance with the standards set forth in this Privacy Statement along with other personal information you've provided.

USE & RETENTION OF INFORMATION COLLECTED

We use the information we collect from you for the following purposes:

- To provide our Services.
- To tailor your experience on the sites.
- To improve user experiences by making our Services easier to use and navigate.
- To send you marketing communications.
- To respond to your requests and inquiries.
- To comply with legal and/or safety requirements.
- For other legitimate business purposes.

We retain your information only for as long as necessary for the purpose for which it was collected.

DISCLOSURE OF PERSONAL INFORMATION

We collect and maintain the personal information of our consumers for our use and our parent and affiliated companies' use. We do not disclose consumer information to third parties, other than as described below:

- **Vehicle Manufacturers:** We share personal information about our consumers with vehicle manufacturers, for safety and warranty purposes. Except as disclosed by the vehicle manufacturer in writing, such information will not be used or shared beyond the vehicle manufacturer or any of its affiliates, partners, or dealerships, for any other purpose.

- **Business Partners:** Our dealership may partner with select retailers and other companies at various times to provide expanded Services, such as to offer participation in certain loyalty programs. As part of such a relationship, we may share with these companies the use of certain interactive site functions (i.e., the E-Mail Reminder Service). Information provided by users of the Services through the use of such interactive functions may be available to both our dealership and our partners.
- **Agents:** Our dealership may use other companies and individuals, such as dealership management system providers, customer relationship management system providers, and marketing partners to perform certain functions on our behalf. Examples include administering e-mail services and running special promotions. Such parties only have access to the personal information needed to perform these functions and may not use or store the information for any other purpose. Subscribers or site visitors will never receive unsolicited e-mail messages from agents working on our behalf.
- **Business Transfers:** In the event that our dealership undergoes a direct or indirect reorganization process including, but not limited to, mergers, acquisitions, and sales of all or a particular portion of its business assets, consumer information may be one of the business assets transferred as part of the transaction.
- **Compliance with Law/Safety:** Our dealership may disclose specific personal information based on a good faith belief that such disclosure is necessary to comply with or conform to the law or that such disclosure is necessary to protect the users of our Services, our sites, or the public.
- **With Consent:** Other than as set forth in this Privacy Statement, if we share your personal information with any third parties, you will be given the opportunity to decline to share that information.

USE OF COOKIES

When visiting our sites, our dealership may use a browser feature known as a “cookie.” Cookies are small files placed on your hard drive that assist us in providing you with a customized browsing experience. Our dealership uses cookies to provide you with the convenience of not having to re-enter information, such as browsing history and zip code information, multiple times during your visits to our sites. Cookies can also be utilized to help us provide you with information targeted to your interests, based upon your prior browsing on our sites. Different cookies are used to perform different functions, which we explain below:

- Essential. Some cookies are essential in order to enable you to move around our sites and use their features, such as accessing secure areas of our sites. Without these cookies, we cannot enable appropriate content based on the type of device you are using.
- Analytics. Personal information collected via cookies for analytics purposes may include: information about your browser, network, and device; web pages you visited prior to coming to our sites; IP address; clicks; internal links; pages visited; scrolling; and searches. We use this information to learn about site traffic and activity. In particular, we use Google Analytics to measure how you interact with our sites. For more information about Google Analytics and how it collects and processes data, please go to “How Google uses data when you use our partners' sites or apps”, located at <https://policies.google.com/technologies/partner-sites>. Google also provides instructions on opting-out of Google Analytics at <https://tools.google.com/dlpage/gaoptout>.
- Targeted Advertising. Cookies may be placed by our third-party advertising companies. These companies may use aggregated statistics about your use of our sites and third party media in order to provide you with advertisements about goods and services that you may be interested in. If you would like to opt-out of such advertising practices on the particular device on which you are accessing this Privacy Statement, please go to <http://optout.aboutads.info/>.

The “help” section of the toolbar on most browsers will inform you on how to prevent your browser from accepting new cookies, how to have the browser notify you upon the receipt of a new cookie, or how to disable the use of cookies completely. As our sites have been designed to take advantage of the use of cookies, should you configure your browser to decline their use, certain features of our sites may not function correctly, and you may be required to reenter any user IDs and passwords more frequently.

THIRD-PARTY ADVERTISING

As stated above, we may use advertisers, third party ad networks and other advertising companies to serve advertisements on the sites. These third parties use cookies and other similar technologies to collect or receive information from our sites and elsewhere on the Internet and use that information to provide you with targeted ads. The Network Advertising Initiative offers a means to opt-out of a number of advertising cookies. Please visit www.networkadvertising.org to learn more. Note that opting-out does not mean you will no longer receive online advertising. It does mean that the company or companies from which you opted-out will no longer deliver ads tailored to your preferences and usage patterns.

COLLECTION AND USE OF INFORMATION FROM CHILDREN

Our Services are not intended for children. We do not knowingly collect personal information from children, and none of our Services are designed to attract children. In the event that we learn that a person under the age of 13 has provided personal information to us, we will delete such personal information as soon as possible.

ACCESSING OUR SITES FROM OUTSIDE OF THE UNITED STATES

If you are visiting our sites from a location outside of the U.S., your connection will be through and to servers located in the U.S. Any information you provide during your visit will be processed and maintained on our server and other internal systems located within the U.S. You acknowledge you understand that by providing your personal information to us, your personal information (i) will be used for the uses identified above in accordance with this Privacy Statement, and (ii) may be transferred to the U.S. as indicated above, in accordance with applicable law.

EXTERNAL LINKS

Our sites contain links to other websites. Our dealership is not responsible for the privacy practices or the content of such third party websites. To better protect your privacy, we recommend that you review the privacy policy of any third party website you visit via a link from one of our sites.

PASSWORDS

The personal information record created through your registration with our sites can only be accessed with the unique password associated with that record. To protect the integrity of the information contained in this record, you should not disclose or otherwise reveal your password to third parties. You agree that you are responsible for all acts or omissions that occur on your account while your password is being used. Please let us know immediately if you believe your password or record has been compromised.

SECURITY

Our dealership will take reasonable physical, electronic and managerial measures to safeguard and secure any personal information you provide to us. Please understand, however, that no data transmissions over the Internet can be guaranteed to be 100% secure. Consequently, we cannot ensure or warrant the security of any information you transmit to us and you understand that any information that you transfer to us is done at your own risk. If we learn of a security systems breach we may attempt to notify you electronically so that you can take appropriate protective steps. By using the Services or providing personal information to us, you agree that we can communicate with you electronically regarding security, privacy and administrative issues relating to your use of the Services. We may post a notice via our sites if a security breach occurs. We may also send an e-mail to you at the e-mail address you have provided to us in these circumstances. Depending on where you live, you may have a legal right to receive notice of a security breach in writing.

PUBLIC FORUMS

Our sites may make chat rooms, forums, message boards, and/or news groups available to you at various times. Please remember that, unless otherwise stated, any information that is disclosed in these areas becomes public information and you should exercise caution when deciding to disclose your personal information in these areas. **WE ARE NOT RESPONSIBLE FOR THE USE BY OTHERS OF THE INFORMATION THAT YOU DISCLOSE IN PUBLIC POSTING AREAS.**

MARKETING OPT-OUT PROCEDURES

Please note that anytime you provide us with your e-mail address, you will be opted-in to receive both marketing and informational communications from our dealership. You may always opt-out of receiving future marketing communications from our dealership through the unsubscribe link typically found at the bottom of each communication. You may also contact us at the information provided in this notice. When you click the “unsubscribe” link on a communication, a pop-up menu may appear, giving you the opportunity to unsubscribe from other marketing communications on an individual level.

Additionally, we may send you information regarding our Services, such as information about changes to our policies and other notices and disclosures required by law. Generally, users cannot opt out of these communications, but they will be primarily informational in nature, rather than promotional.

YOUR CALIFORNIA PRIVACY RIGHTS

California Civil Code Section 1798.83 permits visitors to the Services who are California residents to request certain information, once a year, regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please send us an e-mail at privacyteam@socalpenske.com and put “Shine the Light Request” in the subject line of your e-mail.

If you are a California resident, from January 1, 2020, you have the following additional rights:

- You have the **right to know and right to access** information about the categories and specific pieces of personal information we have collected about you within the last twelve months, as well as the categories of sources from which such information is collected, the purpose for collecting such information, and the categories of third parties with whom we share such information. You also have the right to know if we have sold or disclosed your personal information. You may also request a copy of the personal information we have collected, and upon request, we will provide this information to you in electronic form. You may make this request up to two times in a twelve-month period.

- You have the **right to request information** about our sale or disclosure for business purposes of your personal information to third parties within the last twelve months.
- Penske Toyota **does not sell** your personal information to third parties, as those terms are defined in the California Consumer Privacy Act.
- Subject to certain legal exceptions, you have the **right to request the deletion** of your personal information. For example, we will not delete information if we need it to fulfill warranty requirements or to complete a transaction. You may make this request up to two times in a twelve-month period.
- You have the **right to not be discriminated** against for exercising any of these rights.

If you would like to exercise one or more of the above rights, please fill out our online web form [here](#). You may also designate an authorized agent registered with the California Secretary of State to make a request on your behalf. The authorized agent must be registered by the California Secretary of State and must have written permission to submit requests on your behalf. Whenever feasible for verification, we will match the identifying information provided by you to the personal data already maintained by us. If, however, we cannot verify your identity from the information already maintained by us, we may request additional information.

HOW WE RESPOND TO DO NOT TRACK SIGNALS

At this time our sites do not recognize automated browser signals regarding tracking mechanisms, which may include Do Not Track instructions.

ASSIGNMENT

In the event that all or part of our assets are sold or acquired by another party, or in the event of a merger, you grant us the right to assign the personal information collected via the Services.

DISPUTE RESOLUTION AND AGREEMENT TO ARBITRATE

Except where and to the extent prohibited by law, by using the Services, you and Penske Toyota agree that, if there is any controversy, claim, action, or dispute arising out of or related to your use of the Services or the breach, enforcement, interpretation, or validity of this Privacy Statement or any part of it (“Dispute”), both parties shall first try in good faith to settle such Dispute by providing written notice to the other party describing the facts and circumstances of the Dispute and allowing the receiving party 30 days in which to respond to or settle the Dispute. Notice shall be sent to:

- Penske Toyota, at 9136 E Firestone Blvd., Downey, CA 90241, ATTN: General Counsel, or
- You, at the address we have on file for you.

Both you and Penske Toyota agree that this dispute resolution procedure is a condition precedent that must be satisfied before initiating any litigation or filing any claim against the other party. IF ANY DISPUTE CANNOT BE RESOLVED BY THE ABOVE DISPUTE RESOLUTION PROCEDURE, YOU AGREE THAT THE SOLE AND EXCLUSIVE JURISDICTION FOR SUCH DISPUTE WILL BE DECIDED BY BINDING ARBITRATION ON AN INDIVIDUAL BASIS. ARBITRATION ON AN INDIVIDUAL BASIS MEANS THAT YOU WILL NOT HAVE, AND YOU WAIVE, THE RIGHT FOR A JUDGE OR JURY TO DECIDE YOUR CLAIMS, AND THAT YOU MAY NOT PROCEED IN A CLASS OR CONSOLIDATED CAPACITY. Other rights that you and we would otherwise have in court will not be available or will be more limited in arbitration, including discovery and appeal rights. All such disputes shall be exclusively submitted to JAMS (www.jamsadr.com) for binding arbitration under its rules then in effect, before one arbitrator to be mutually agreed upon by both parties.

The arbitrator, and not any federal, state, or local court or agency, shall have exclusive authority to resolve any dispute arising under or relating to the interpretation, applicability, enforceability, or formation of this Privacy Statement, including any claim that all or any part of this Privacy Statement is void or voidable.

CHOICE OF LAW

This Privacy Statement has been made in and shall be construed in accordance with the laws of the State of California, without giving effect to any conflict of law principles. Any disputes or claims not subject to the arbitration provision discussed above shall be resolved by a court located in the State of California and you agree and submit to the exercise of personal jurisdiction of such courts for the purpose of litigating any such claim or action.

CHANGES TO THIS PRIVACY STATEMENT

We reserve the right to change this Privacy Statement from time to time. When we do, we will also revise the "Last Updated" date above. If we make material changes to the Privacy Statement, we will notify you by placing a prominent notice on our sites and/or by sending you an e-mail at the e-mail address we have on file for you. We encourage you to periodically review this Privacy Statement to keep up to date on how we are handling your personal information.

CONTACTING US

If you have questions concerning this Privacy Statement or the dealership's privacy practices, you may contact the Privacy Team at privacyteam@socalpenske.com, or call (888) 615-2744. If you would like to submit an individual rights request under the California Consumer Privacy Act, please fill out our web form [here](#).