

Privacy Policy

Last Updated: July 1, 2020

Our dealership (“dealership”, “we”, “us”, “our”) respects the privacy of individuals who visit our dealership(s), visit our websites, send us an e-mail, or participate in features and services we offer online or in store. This privacy policy applies to both online and offline collection of personal information by the dealership(s). By using our website or services and providing us with your personal information (collectively “Services”), you acknowledge having read and understood the terms and conditions of this Privacy Policy. If you do not agree to the terms and conditions of this Privacy Policy, please do not use our Services.

PLEASE NOTE THE ARBITRATION PROVISION SET FORTH BELOW, WHICH MAY, EXCEPT WHERE AND TO THE EXTENT PROHIBITED BY LAW, REQUIRE YOU TO ARBITRATE ANY CLAIMS YOU MAY HAVE AGAINST THE DEALERSHIP(S) 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, CONSOLIDATED, OR REPRESENTATIVE CAPACITY.

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Information Collected: We collect the following categories of information from and about you (“Personal Information”):

- Information that is about your use of our websites and how you access them, such as information about your browser, service provider, internet connection, geolocation information, online identifiers (such as usernames), IP address, and usage information (such as how you and your device interacted with our website including the pages you visit or search terms as well as search engines used to find our websites).
- Information that you decide to provide to us (such as by filling in forms or applications on our websites or while in our dealership(s)), by which you may be personally identified, such as your name, postal address, e-mail address, telephone number, any other information collected that can be used to identify you, or any other identifying information by which you may be contacted online or offline (“Personally Identifiable Information”).
- Records and copies of your correspondence with us, if you contact us (such as emails, text messages, live chat features, and telephone records).
- Information regarding the year, make, model, Vehicle Identification Number, and mileage on your vehicle, which is collected when you bring your vehicle into our dealership’s service department, or that we may obtain from third-party sources. Similar information may be gathered regarding your potential trade-in vehicle that you provide or that we may obtain from third-party sources.
- Details of transactions you initiate or carry out through our websites or in our dealership(s), including financial information (such as credit applications, finance or lease

terms and monthly payment amounts, which we may also obtain from third-party sources).

- Information that is about you, but individually does not identify you, such as navigational information on what links you click on our websites, search inquiries, car preferences, and any other non-identifying information you produce in interacting with our websites, which may or may not be stored along with Personally Identifiable Information.

How We Use Collected Information: We use the information we collect about you for the following purposes:

- To provide our Services.
- To send you marketing communications.
- To respond to your requests and inquiries.
- To improve user experiences by making our website easier to use and navigate.
- For other legitimate business purposes.

How We Collect Personal Information:

- Directly from you when you provide it to us (such as when you submit online forms or applications to us).
- Automatically as you navigate through our websites (as explained in further detail in the next section of this policy).
- From third parties, such as advertising companies that help us locate potential customers. We maintain such information in accordance with the standards set forth in this privacy policy, as we do with all other Personal Information that you provide.

Information We Collect Through Automatic Data Collection Technologies:

We use automatic data collection technologies to collect certain information about your equipment, browsing actions, and patterns, including: details of your visits to our websites, such as traffic data, location data, logs, and other communication data and the resources that you access and use on the Websites such as information about your computer and internet connection, such as your IP address, operating system, and browser type. The information we collect automatically is statistical data and does not include personal information, but we may maintain it or associate it with Personally Identifiable Information we collect in other ways, or receive from third parties. This information is typically used to help us to improve our websites to deliver a better and more personalized service including by enabling us to: estimate our audience size and usage patterns; compile broad statistical data; analyze visitor use of our websites and tailor sites to meet their interests; store website user preference and speed up their searches; and recognize return visitors.

The technologies we use for this automatic data collection may include:

- **Flash Cookies.** Certain features of our websites may use local stored objects (or “Flash cookies”) to collect and store information about your preferences and navigation to, from, and on our websites. These may also be disabled or otherwise limited by activating the appropriate settings on your browser.
- **Web Beacons.** Our websites or email communications may also contain small electronic files known as web beacons (also referred to as “clear gifs,” “pixel tags,” and “single-pixel gifs”) that permit our dealership, for example, to count users who have visited those pages or opened an email and for other related website statistics.
- **Similar Technologies.** Our dealership may adopt other similar technologies for similar purposes.

Understanding Cookies (or “browser cookies”): A cookie is a small text file that uniquely identify your device that a website can transfer to a consumer’s hard drive to keep records of his or her visit to a website. We or third parties may use session cookies or persistent cookies. Session cookies only last for the specific duration of your visit and are deleted when you close your browser. Persistent cookies remain on your device’s hard drive until you delete them or they expire. Different cookies are used to perform different functions, which are explained below:

- **Essential.** Some cookies are essential to enable you to move around our website and use its features, such as accessing secure areas of our website. Without these cookies, we cannot enable appropriate content based on the type of device you are using.
- **Analytics.** We use Google Analytics to measure how you interact with our website and to improve your user experience. To learn more about Google Analytics privacy policy and opt-out mechanism, please visit Google Analytics Security and Privacy Principles page at <https://support.google.com/analytics/answer/6004245?hl=en>. Google also provides a complete privacy policy and instructions for opting-out of Google Analytics at <https://tools.google.com/dlpage/gaoptout>.
- **Targeted Advertising.** We use cookies to compile information on our users’ interaction with our website. We use this information to serve ads to you off of our website.

Managing Cookies: There are several ways to manage cookies. You can control the use of cookies at the browser level, by instructing your browser to accept cookies, disable cookies, or notify you when receiving a new cookie. Please note that if you reject cookies, you may still use our website, but your ability to use some features or areas of our website may be limited. The Network Advertising Initiative also offers a means to opt-out of a number of advertising cookies. You may visit www.networkadvertising.org to learn more. Note that opting-out does not mean that you will no longer receive online advertising. It does mean that the 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 or sell Personal Information about

children and none of our Services are designed to attract children. No one under age 16 may provide any information to or on the websites. If you are under 16, do not use or provide any information on this website or on or through any of their features, register on our websites, make any purchases through our websites, use any of the interactive features of our websites or provide any information about yourself to us, including your name, address, telephone number, email address, or any screenname or username you may use. If we learn we have collected or received Personal Information from a child under 16 without verification of parental consent, we will delete that information as soon as possible. If you believe we might have any information from or about a child under 16, please contact us at the information provided in the “Contact Us” section provided at the end of this policy.

Data Security: We implement reasonable security measures to maintain the security of your Personal Information. Please understand, however, that no data transmission over the Internet can be guaranteed to be 100% secure. Consequently, our dealership(s) cannot ensure or warrant the security of any information you transmit to us and you understand that any information you transfer to us electronically 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 website if a security breach occurs. We may also send an email to you at the email address you have provided to us, if at all, in these circumstances. Depending on where you live, you may have a legal right to receive notice of a security breach in writing.

How We Use and Disclose Your Information: We may share or disclose your Personal Information to the following categories of third parties and for the following reasons:

- We may disclose your Personal Information to our affiliated entities (which are entities under a common ownership or control with our dealership(s)) for the purposes of providing Services or whose products or services we believe might be of interest to you.
- We may disclose your Personal Information to third-party service providers, agents, or independent contractors who help us maintain our Services and provide other administrative services to us.
- We may disclose your Personal Information to unaffiliated third parties whose products or services we believe might be of interest to you.
- We may disclose your Personal Information when reasonably necessary to enforce or apply the terms of any sales or lease contract we have with you, or other agreements, including for billing and collection purposes.

- We may disclose your Personal Information to third parties to fulfill the purpose for which you provided the information. For example, if you request that we contact a vehicle manufacturer with a specific inquiry, we may transmit the contents of that email and your email address to such persons.
- We may disclose your Personal Information in the course of any reorganization process including, but not limited to, mergers, acquisitions, and sales of all or substantially all of our assets.
- We may disclose your Personal Information to law enforcement, government agencies, and other related third parties in order to comply with the law, enforce our policies, or protect our or others' rights, property, or safety.
- We may disclose your personal Information for any other purpose disclosed by us when you provided the information to us.

How we Respond to Do-Not-Track Signals: Some browsers incorporate a "Do Not Track" (DNT) feature that, when turned on, signals to websites and online services that you do not want to be tracked. Because there is not yet an accepted standard for how to respond to a DNT signal, we do not currently respond to DNT signals on this website or on websites where we provide advertisements, content, or other services.

Marketing Communications Opt-Out: We provide you with the opportunity to opt-out of marketing communications by clicking the "unsubscribe" link in email communications or providing the STOP response in text messages, or by contacting us using the contact information below. We will process your request as soon as possible in accordance with applicable law, but please be aware that in some circumstances you may receive a few more messages until the unsubscribe is processed.

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 types of communications, but they will be primarily informational in nature rather than promotional if you have opted out of receiving marketing communications.

External Third-Party Links: Our website may contain links to other sites. The dealership is not responsible for the privacy practices or content of such other sites. If you have any questions about how these other sites use your information, you should review their policies and contact them directly.

Postings Visible to the Public: Our websites may utilize chat rooms, forums, message boards, and/or similar forum technologies at various times. Unless otherwise stated, any information that is disclosed in these areas is public information and you should exercise caution when deciding to disclose any information in these areas, especially any Personally

Identifiable Information. THE DEALERSHIP IS NOT RESPONSIBLE FOR THE USE BY OTHERS OF INFORMATION YOU DISCLOSE IN A PUBLIC FORUM.

International Transfer of Data: Our websites are designed for, and intended to be used exclusively by, United States residents. We are not responsible for their use in any foreign nation or territory. If you are visiting our websites from a location outside of the United States your connection will be through and to servers located in the United States. Any information you provide during your visit will be processed and maintained on our webserver and other internal systems located within the United States.

Please note that if you provide us with Personal Information, it may be transferred to our affiliates or third-parties across borders and from your country or jurisdiction to other countries or jurisdictions around the world. If you are visiting from the EU or other regions with laws governing data collection and use that may differ from US law, please note that you are transferring your personal information to the US and other jurisdictions that may not have the same data protection laws as the EU. You acknowledge your understanding that by providing your Personal Information, your Personal Information will be used for the uses identified in this Policy and may be transferred to the US and other jurisdictions in accordance with applicable law.

Assignment of Your Personal Information: In the event of a merger or acquisition or sale of our assets to another company, you grant us the right to assign the Personal Information collected via the Services as part of that merger, acquisition or sale.

Dispute Resolution and Arbitration Agreement: Except where prohibited by law, by using the Services, you and the dealership(s) agree that, if there is any claim, action, or dispute arising out of or related to your use of the Services or the breach, enforcement, interpretation, or validity of this Policy 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:

For the Dealership(s):

Premier Subaru of Fremont

5601 Cushing Pkwy, Fremont, CA 94538

For You: at the address we have on file for you or at the address that you include in your written notice of the Dispute.

You and the dealership(s) agree that this dispute resolution procedure is a condition precedent that must be satisfied before initiating any legal proceeding 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, WHICH 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, CONSOLIDATED, OR REPRESENTATIVE 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 ADR Services, Inc., <https://www.adrservices.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 Policy, including any claim that all or any part of this Policy is void or voidable.

Other Arbitration Agreements:

In the event of a conflict between this agreement to arbitrate and any other arbitration agreement between you and the Dealership, such as an arbitration agreement contained in a retail installment sale contract, lease agreement, or repair estimate (Other Arbitration Agreement), the terms of the Other Arbitration Agreement shall govern and prevail in each instance.

Choice of Law: This Policy is 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 dispute or claims not subject to the arbitration provision above shall be resolved by a court located in the State of California in the county in which the dealership is located and you agree to submit to the exercise of personal jurisdiction of such courts for the purpose of litigating any such claim or action.

Changes to this Policy: We post any changes we make to our privacy policy on this page and include a notice that the privacy policy has been updated on the homepage(s) of our website(s). If we make material changes to how we treat our users' Personal Information, we will notify you through a notice on the homepage(s) of our website(s) and may, in our discretion, contact you by email to notify you as well. We encourage you to periodically revisiting our Privacy Policy to check for any changes.

Your California Privacy Rights:

Shine the Light Requests: 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 email to Privacy@PremierAutomotive.com using the contact information provided below and put “Shine the Light Request” in the subject line of your email.

California Consumer Privacy Act of 2018 Requests:

Starting January 1, 2020, California consumers have the following rights:

- **Right to Know:** The right to request, up to 2 times in a 12-month period, that we disclose to you, free of charge, (1) the categories of personal information we have collected, disclosed or sold about you in the last 12 months, (2) the categories of sources from which the personal information was collected, (3) the business purpose for which we use this information, (4) the categories of third parties with whom we share your personal information, and (5) the specific pieces of personal information we have collected about you in the last 12 months;
- **Do Not Sell My Info:** The right to opt-out of the sale of your personal information to third parties;
- **Delete My Info:** The right to request, up to 2 times in a 12-month period, that we delete personal information that we collected from you, to the extent that California law does not otherwise allow us to retain such Personal Information (for example, we may be allowed to retain Personal Information needed to complete a transaction, perform a contract between you and us, comply with legal obligations including document retention requirements, information needed to perform warranty repairs or issue recalls, etc.); and
- **No Discrimination:** The right to not be discriminated against for exercising any of these rights.

Information on how to exercise these rights is provided further below.

Premier does share your information with various service providers and third parties for one or more of the business reasons provided below:

#	Business Reason
1	To complete, process, and submit applications for financing, including to apply for credit, lease or credit pre-qualification
2	For security and insurance purposes, a copy of the driver’s license is obtained to permit a consumer to test drive a vehicle
3	To process, complete, and maintain records on transactions including servicing or purchases of vehicles, products, parts or accessories
4	To provide complete warranty coverage on vehicles, products, parts, service, and accessories

5	We retain your selection for text opt in/opt out for legal compliance
6	To provide and communicate recall notices
7	To reserve a vehicle that a consumer expressed an interest in and requested be reserved
8	To schedule, manage and keep track of customer appointments and visits
9	To complete a vehicle appraisal when requested by a consumer
10	To maintain records of when customers decline a service or sale
11	To provide targeted advertising and improve the user experience on our website including to audit ad quality, position, counts and compliance
12	To respond to consumer inquiries, including vehicle interest, request for information, customer support, phone calls, and in-store inquiries
13	As may be required by law including vehicle titling/registration, state record retention/access requirements and judicial or state agency inquiries
14	To respond to and process applications for employment and manage employees and compliance with employment laws and obligations

Premier shares information with the following types of service providers or third-party businesses depending on your transactions:

- A. Vehicle and Parts Manufacturers (OEMs)
- B. Financial Institutions / Lenders
- C. Lead providers
- D. Product manufacturers/administrators
- E. Government agencies
- F. Promotional or other fulfillment vendors
- G. Marketing support vendors
- H. Transaction support vendors (e.g., check guaranty, rental car, payment processors)
- I. Human resources and employee benefit vendors (for employment applicants and employees only)

Premier collects and may share the following categories of personal information about you based on your specific interactions with Premier in the past 12 months:

Category	Scenario	Examples	Business Purpose	Source	Shared With
Personal Identifiers	Submit a request for information or credit score online or in store	Name, alias, address, email address, social security number	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14	you the consumer or employee	A, B, E, F, G, H, I
Protected Classifications	Submit a request for information with gender; English is not your preferred language	Gender, ethnicity, language	1, 3, 4, 11, 12, 13, 14	you the consumer or employee	A, B, E, I
Commercial Data	Any purchase or request for credit approval	Records of products or services provided, purchasing history	1, 3, 13	you the consumer	A, B, D, E, G, H
Biometric Data	When you call a store, we may record the conversation for training purposes; employees may use biometric time clocks at work	Voice recordings; partial fingerprints	12, 14	you the consumer or employee	Voice recordings not shared; I
Internet Activity	Whenever you navigate, access or use any of our websites via desktop or mobile	Browsing history, search history, cookies, IP addresses	11	Indirectly from you the consumer	G
Geolocation Data	When you create an account on our website or when employees use web time clocks	Latitude & longitude	11, 12, 14	Indirectly from you the consumer	I (employee only)
Mobile Device Data	Whenever you navigate, access or use any of our websites via desktop or mobile	Device type, software type	11	Indirectly from you the consumer	G
Financial / Employment Data	When you complete a credit application; when an employee sets up direct deposit	Company name, role, salary, dates of employment, bank account info, income sources	1, 13, 14	you the consumer or employee	B, I

Authorized Agent. If you use an authorized agent to exercise your California Privacy Rights, we will require your authorized agent to provide written proof that they have authority to act on your behalf and may require you to verify your identity before we respond to the authorized agent’s request. Please note that an “authorized agent” has the meaning given to it in Chapter 20 of the California Consumer Privacy Act Regulations Section 999.326 and must be registered with the California Secretary of State.

Verification of Requests. The dealership will need to verify your identity before it can respond to any request for information or deletion request provided above. The extent of verification needed from you will vary depending on the type and sensitivity of the Personal Information

collected by the dealership, the risk of harm to the consumer, and whether the request seeks to obtain Personal Information, delete Personal Information, or opt-out of the selling of Personal Information. The verification process may require you to identify a certain amount of your Personally Identifiable Information needed to reasonably verify your identity.

If you would like to exercise one or more of these rights, please contact us using one of the methods below.

You can submit a verifiable consumer request to know, “Do Not Sell my Info” request, or “Delete my Data” request by any of the options below:

- Access the [link](#) in our website privacy policy or
- Call our toll-free privacy line at 1 (844) 335-7441 Service Code 996
- You may also visit our dealership to complete the webform or use our phones to reach the toll-free privacy line

Verifiable Opt-out Requests will be processed within 15 business days of receipt. We will provide an initial response to a verifiable Request to Know or Request to Delete within 10 business days of its receipt. A full response to a Verifiable Request to Know or Request to Delete will normally be provided within 45 calendar days of receiving the request, but we may take an additional 45 calendar days with notice to you, for a maximum total of 90 calendar days to respond to the request. If we require more time, we will inform you of the reason and extension period in writing.

Print This Policy: Click [here](#) to print a copy of this Privacy Policy.

Accessibility: Those with disabilities may access this Privacy Policy in an alternate format by clicking [here](#).

Languages: In addition to English, this Privacy Policy is available in the following languages: [Spanish](#), [Chinese](#), [Tagalog](#), [Vietnamese](#), and [Korean](#).

Contact Us: If you have questions concerning this Privacy Policy or our privacy practices, you may contact us using the following methods:

Premier Subaru of Fremont

5601 Cushing Pkwy, Fremont, CA 94538

Privacy Phone Number: 1 (844) 335-7441 Service Code 996