

## **Customer Privacy Notice for City Devices and Service**

Last updated September 7<sup>th</sup>, 2021

The [City of Cheney, Washington] (“City”) has leased a high-speed broadband network system, consisting of a combination of wireless network hardware devices and software (“City Device(s)”) that can be accessed, where available, via retail contract with the City (the “Services”).

This Privacy Notice applies to Personal Data (defined below) collected via the City Devices, City Services and the online services that we provide to users of City Devices and City Services (Services together with the City Devices, the “Products”).

We provide additional details about how we collect and use information from our public web sites at <https://www.cityofcheney.org/462/High-Speed-Internet-Service>.

### **Our Privacy Promise (as described in detail in this Privacy Notice):**

- We will be clear about the different types of information we collect and how we use them.
- We will ask your permission before sharing your Personal Data with third parties in ways not described in this Privacy Notice.

### **Questions and Contact for the City.**

If you have any questions, concerns or complaints about our Privacy Notice or our data collection or processing practices, please contact us via e-mail at [support@avistaedge.net](mailto:support@avistaedge.net).

#### **1. Personal Data (definition)**

“Personal Data” means data that allows someone to specifically identify or contact you, including, for example, your name, telephone number, e-mail address, as well as any other non-public information about you that is associated with or linked to any of the foregoing data.

“Device Data” means product and performance data that are automatically collected when you use City Devices, for example:

- performance statistics, including network speeds, network internet service provider (ISP), and other City Device data (e.g., temperature, CPU, memory),

- network bandwidth usage statistics (*i.e.*, the volume of data transferred and the protocol of packets),
- MAC addresses for City Devices and connected devices, IP addresses and network SSID and password, and
- profile names, device hostnames, firmware data, clickstream, Services crash data, wireless channel usage information, types of connected devices, the association of devices with a specific profile, and wireless signals from other wireless systems in the area.

“De-identified Data” means data that, either in its original form or as the result of de-identification procedures that we perform on Personal Data or Device Data, is not associated with or directly linked to your Personal Data; De-identified Data does not, by itself, permit the direct identification of individual persons. Unless it is currently linked to Personal Data, Device Data is considered De-identified Data.

## **2. User consent**

By using our Products, you agree to the terms of this Privacy Notice, and you consent to the collection, use and disclosure of your Personal Data, Device Data, and De-identified Data in accordance with this Privacy Notice.

## **3. A note about children**

The administration, configuration, and management of the Products is intended for use by adults over the age of 18. We do not require nor knowingly collect any information regarding minor children in order to manage the City Devices or provide the Services. If you believe that we might have inadvertently collected any Personal Data from a child under 18, please contact us at [support@avistaedge.net](mailto:support@avistaedge.net).

## **4. Types of data we collect**

We aim to ensure that any Personal Data we have collected is accurate, complete and current as required for the purposes for which the information is used. However, if we have Personal Data about you that is not accurate, please let us know at the contact information provided above.

- **Information you provide to us**

We may collect Personal Data from you, such as your first name, last name, e-mail, city, province/state, and telephone number(s) when you register your device or create an account to log in to our Services (“Account”).

When you order or request Products, we, or our service providers, will collect all information necessary to complete the transaction, including your name, phone

number, credit card information, billing information and shipping information. This information may be shared with third parties who help process and fulfill your purchases.

If you provide us feedback or contact us via phone or e-mail (for example, for support purposes), we will collect your name, phone number and/or e-mail address, as well as any other content included in the e-mail, in order to send you a reply. When you participate in one of our surveys, we may collect additional information. We will also collect Personal Data that you send or share with us.

- **Information collected via technology**

- **Information collected by City Devices**

- If you use the Services, we will collect Device Data. When you sync or manage your device, City Device(s) will upload Device Data to our servers. We use Device Data as described in Section 5 below.

- **Mobile Services**

- If you use our Services on your mobile device, we may collect your mobile device's unique device ID number and manufacturer, MAC address, hostname, IP addresses, and information about how you use the Services. This information is generally used to help us deliver the most relevant information to you. Examples of information that may be collected and used include how you use the Services and information about the type of device you use. In addition, in the event our Services crashes on your mobile device, we may receive information about your mobile device model software version and device carrier, which allows us to identify and fix bugs and otherwise improve the performance of our Service.

## **5. Use of your Personal Data**

- In general, Personal Data you submit or that we collect from City Devices is used to respond to requests that you make, to aid us in serving you better, and to provide the Products to you. Examples of how we use your Personal Data include:

- Facilitate the creation of and secure your Account on our network;
  - Identify you as a user in our system;
  - Provide and improve products and services;
  - Improve the usability and performance of City Devices and the quality of experience when you interact with our Service;
  - Improve the security of Networks maintained through City Devices;
  - Troubleshoot problems with City Devices;
  - Measure the performance of our users' internet service;

- Send alerts, reminders, and other notifications to you (*e.g.*, notification that a device has joined your Network);
  - Tailor our Products to your interests;
  - Perform research and analysis about your use of, or interest in, our products and services;
  - Manage our operations;
  - Send you a welcome e-mail to verify ownership of the e-mail address provided when your Account was created;
  - Send you administrative e-mail notifications, such as security, or support and maintenance advisories; and/or
  - Send newsletters, surveys, offers, and other promotional materials related to our Service and services made available by third parties and for other marketing purposes of City.
- **Creation of De-identified Data**

We may create De-identified Data records from Personal Data and Device Data by using various procedures to remove or obscure information (such as your name, email address, or phone number) that makes the data personally identifiable to you. We use this De-identified Data to analyze request and usage patterns so that we may enhance the content of our Service and for other purposes. We reserve the right to use De-identified Data for other purposes and disclose De-identified Data to third parties in our sole discretion.

## **6. Disclosure of your Personal Data**

We disclose your Personal Data as described below and as described elsewhere in this Privacy Notice.

- **User consent or direction**

We may share or disclose your Personal Data or Device at your direction, such as when you authorize a third-party web client or application to access your Account or when you direct us to share your feedback with a third party. When you link your Account to a third party application, you are directing us to share certain pieces of your information, including the locations of your connected devices, the time that a device was last connected to the Service and which City Device it connected with, guest network passwords, confirmation of actions performed by us on the Service (*i.e.*, pausing a Service, turning off an City Device light), and help and error responses, with that application. We have no control over, do not review, and cannot be responsible for these third-party web clients and applications.

- **Third party service providers and companies**
  - City's Service Providers. We may share your Personal Data with third party service providers and other companies to:
    - provide you with the Services that we offer you, including fulfilling orders, processing credit card payments, or other functions necessary for our business;
    - provide you with additional Services that we offer you through the Services, including VPN software, antivirus software, password management software, and other offerings;
    - analyze how our users use our Products and Services;
    - provide marketing services;
    - conduct testing and measure the performance of our users' Networks and of the Products and Services;
    - facilitate creation of Accounts;
    - provide technical support; and/or
    - provide other services, including but not limited to services on behalf of City.
  - Your Service Provider. Certain users purchase or rent other devices, such as from third party service providers, telecommunications companies, home security system companies, or professional audio-visual or network system integrators ("Your Provider"). If you purchase or rent your user device from Your Provider, we may share your Device Data and Personal Data with Your Provider in order to enable Your Provider to provide you with customer network support and service enhancements or improvements for the City Device(s) and the services that they provide to you. In addition, Your Provider may share Personal Data about you with City to enable City to provide the Services and service enhancements or improvements for the City Products as described in Section 5 above, and, if applicable, to allow Your Provider and City to track and reconcile the accounting of any applicable subscription fees for the City Services. Your Provider may continue to have access to Device Data for City Devices that you received from Your Provider even if you no longer continue to receive services from Your Provider. If you no longer receive services from Your Provider but have purchased or otherwise properly retained your device(s) and intend to continue using your device(s), please contact customer support using the contact information specified in the "Help" section.

- **Affiliates**

We will share your Personal Data and Device Data with Avista Edge and our affiliates, if any, that are either subject to this Privacy Notice or will use your Personal Data consistent with the practices described in this Privacy Notice.

- **Other disclosures**

Regardless of any choices you make regarding your Personal Data (as described below), City may disclose Personal Data if it believes in good faith that such disclosure is necessary (a) in connection with any legal investigation or legal obligation; (b) to comply with relevant laws or to respond to subpoenas or warrants served on City or as otherwise permitted by law; (c) to protect or defend the rights or property of City or its users of the Products or City's service providers and affiliates; and/or (d) to investigate or assist in preventing any violation or potential violation of the law, this Privacy Notice, or our Terms of Services. [See Public Records Act, RCW Chapter 42.56]

## **7. Third party websites**

When you click on a link to any other website or location another entity may collect data from or about you. We have no control over, do not review, and cannot be responsible for these outside websites or their content. Please be aware that the terms of this Privacy Notice do not apply to these outside websites or content, or to any collection of your data after you click on links to such outside websites. We encourage you to read the privacy policies of every website you visit. The links to third party websites or locations are for your convenience and do not signify our endorsement of such third parties or their products, content or websites.

## **8. Your choices regarding your information**

You can access your Personal Data, including your name, email address, phone number, network settings, assigned names and profiles for connected devices, and SSID and password for your Services. The Services may also include settings that provide you with options concerning notifications.

We will periodically send you free newsletters and e-mails that directly promote the use of our Products or those of our affiliates. You have the option to decline promotional communications from City by changing your settings any time. When you receive newsletters or promotional communications from us, you may indicate a preference to stop receiving further promotional communications from us and you will have the opportunity to "opt-out" by following the unsubscribe instructions provided in the e-mail you receive or by contacting us directly (please see contact information above). However, despite your indicated e-mail preferences for promotional messages, we may continue to send you service-related communications, including notices of any updates to our Terms of Use or Privacy Notice.

- **Changing, accessing or deleting your Personal Data**

You may correct any of your Personal Data in your Account by editing your profile within your Account or by sending an e-mail to our service provider at [support@avistaedge.net](mailto:support@avistaedge.net). You may also update certain categories of Personal

Data by editing the information within the Services. You may request a copy of your Personal Data from us, or deletion of your Personal Data by us, and we will use commercially reasonable efforts to honor your request, but please note that you will not be able to use your City Devices if we have deleted the Personal Data in your Account, and that we may be permitted or required to keep such information and not delete it (or to keep this information for a certain time, in which case we will comply with your deletion request only after we have fulfilled such requirements). When we delete any information, it will be deleted from the active database, but may remain in our backups. We may also retain your information for fraud prevention or similar purposes.

- **Stop Services**

You can stop all collection of information by the Services by unplugging all of the City Devices, ceasing to use the Services, and contacting us to terminate your Account.

## **9. Retention of Personal Data**

We only keep Personal Data for as long as it is required for the reasons it was collected or as otherwise legally required or permitted. The length of time we retain information varies, depending on the Services, the nature of the information, and any business or legal requirements. The retention period may extend beyond your use of the Products. When retaining your Personal Data is no longer required or otherwise permitted, the information is either destroyed, deleted or de-identified.

## **10. Changes to this Privacy Notice**

This Privacy Notice may be updated from time to time for any reason and the current version applies to all data that we collect, use and retain. We will notify you of any changes to our Privacy Notice by posting the new Privacy Notice at <https://www.cityofcheney.org/462/High-Speed-Internet-Service> and we will change the “Last Updated” date above. You should consult this Privacy Notice regularly for any changes.