



NIGHTEYE SYSTEM **PRIVACY STATEMENT**

Effective as of August 1st, 2016
Last Updated: July 13, 2020

1. Our Commitment to Privacy

Privacy is very important to Liberty Pumps, Inc., a New York corporation (“**Liberty Pumps**”, “**we**”, “**us**” or “**our**”). This Privacy Statement applies to information that Liberty Pumps collects or that you provide to Liberty Pumps about you or your Devices (as defined below) through your use of the Liberty Pumps NightEye™ System (“**System**”). This Privacy Statement explains how we collect, access, hold, use and disclose this information. This Privacy Statement does not pertain to information collected in any other manner or offline.

The System includes the firmware and software contained in our wireless enabled pumps, alarms, and sensors (“**Devices**”) and any related applications (including applications on mobile phones and devices) made available by us or our affiliates to communicate with the Devices (“**Mobile Apps**”), as well as their respective internet-based services, features, content, and functionality.

2. Scope of this Privacy Statement

Please read this Privacy Statement carefully. If you do not agree with these policies and practices, please do not access or use the Devices or System. Your use of the Devices or System and provision of your personal information to us is your representation to us that you have read, understand, and agree to this Privacy Notice and our License Agreement and Terms of Use (“**License Agreement**”), which are available [here](#). For purposes of this Privacy Statement, “**Personal Information**” means individually identifiable information about you.

We collect certain information from you, your Devices, and your use of the System (including any Mobile Apps) and through its services. By using a Device or the System, or by providing Personal Information to Liberty Pumps or its affiliates, you consent to Liberty Pumps’ collection, storage, use, disclosure, sharing and processing of your Personal Information and other data as described in this Privacy Statement. This Privacy Notice does not apply to information that we collect offline or through any other means.

We may strip the data we collect of all personally identifying characteristics, and may aggregate the data. This Privacy Statement in no way limits or restricts our collection of aggregate information or of non-personally identifiable information. If we do combine non-personal information with Personal Information the combined information will be treated as Personal Information for as long as it remains combined.

We reserve the right to modify this Privacy Statement from time to time. We may announce such modifications by posting a prominent announcement on this page or, in the event of a material change, by notifying by e-mail all customers whose Personal Information we have retained.

3. Information that You Provide to Liberty Pumps

When you register your Device, or when you subscribe to communications from us or our affiliates, or when you send us emails or other communications (such as by filling out a form on the Mobile App), you provide Personal Information to us, including, but not limited to, your name, address, zip code, email address, and phone number.

4. Passive Collection of Information by Liberty Pumps

If you use a Device, Liberty Pumps may collect information from your Device in order to provide you with information relating to the function of your Device, including monitoring your Device's operation and Device status.

In addition, if you use a Mobile App, Liberty Pumps may automatically collect additional information from you related to your smart phone or other mobile device and your use of the Mobile App, including, without limitation, the number of times you access the Mobile App, your unique device identifier, email address, name, zip code, mobile phone number.

For purposes of this Privacy Statement, except as otherwise required by applicable law, Personal Information will not be deemed to include (i) information passively collected through a Device or a Mobile App, or (ii) aggregate or combined information (including information that relates to you but that does not specifically identify you).

5. Internal Use

Liberty Pumps may use your Personal Information and other information that we collect from your use of the Devices and Mobile Apps to provide you with services, for troubleshooting and maintenance, to communicate with you about your account or Device, and to offer you products and services. Liberty Pumps may also share your Personal Information and other information we collect from you with third parties that provide us with services or that are otherwise acting on our behalf, such as hosting providers, call center operators, shippers, servicers, people who analyze data for us, etc.

6. Disclosure to Third Parties

In addition, we may aggregate or combine the data we collect from our users (which does not include your Personal Information) and share it with our business partners and other third parties. This aggregated or combined data may be used by us or third parties for research purposes and for statistical purposes, among other uses. Liberty Pumps reserves the right to disclose your information (including your Personal Information) when we have reason to believe that disclosing this information is necessary to identify, contact or bring legal action against someone who may be causing injury to or interference with (either intentionally or unintentionally) Liberty Pumps' rights or property, or anyone else that could be harmed by such activities. Liberty Pumps may also disclose your information (including your Personal Information) if a Mobile App or other policy violation has occurred or to enforce the Liberty Pumps License Agreement and Terms of Use available [here](#). If we are involved in any merger, acquisition, sale of company assets, transition of service to another provider, or insolvency, bankruptcy or receivership, we reserve the right to transfer your information (including your Personal Information) in connection with such transaction.

All customer payments associated with the System may be performed through a third-party payment service provider. Your relationship with such payment provider and your provision of information to the payment provider are governed by such payment provider's own terms of use and privacy policy. Please be sure to review these agreements.

We contract with other companies to perform business support functions on our behalf, which may involve limited access to your Personal Information. We require these companies to use the information only to provide the contracted services; they are prohibited from transferring the information to another party except as needed to provide those services. These business support functions may include, without limitation, hosting, technical support and information systems management. We also may make aggregate non-personal information available to select service providers.

We cooperate with law enforcement agencies in identifying those who use the Mobile App or Devices for illegal activities. Therefore, Liberty Pumps responds to subpoenas, warrants or other court orders regarding information concerning any users. We will, at our discretion, disclose information if we believe we are required to do so by law, believe that such disclosure is necessary to protect us from legal liability or believe we need to do so to protect someone's safety or the integrity of the Mobile Apps or Devices.

We may also disclose your Personal Information as follows:

- To a buyer or other successor in the event of a merger, divestiture, restricting, reorganization, dissolution or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which Personal Information held by us about users of the Device or Mobile App is among the assets transferred;
- To fulfill the purpose for which you provide it;
- For any other purpose disclosed by us when you provide the information;
- With your consent;
- To enforce or apply our Terms of Use and other agreements, including for billing and collection purposes;
- To establish or exercise our right to defend against legal claims; and
- If we reasonably believe disclosure is necessary or appropriate to protect the rights, property, or safety of Liberty Pumps or others.

7. Review and Correction of Personal Information

You may review, correct and update certain Personal Information (such as your name and contact information) by contacting Liberty Pumps through the "Contact Us" section below or by logging in to your account on the Website or through the Mobile App and updating the applicable fields.

8. Children

The System is not intended for use by children under 13 years of age. No one under age 13 may provide any Personal Information to or through the System. We do not knowingly collect Personal Information from children under 13. If we learn we have collected or received Personal Information from a child under 13, we will delete that information. If you believe we might have any information from or about a child under 13, please contact us at info@libertynighteye.com.

9. Protecting Your Information

We have used commercially reasonable efforts to implement a variety of administrative, managerial, and technical security measures designed to protect your Personal Information from unauthorized use and disclosure. We have internal control standards which relate specifically to the handling of Personal Information. These include certain controls to help safeguard the information we collect online.

Our employees are trained to understand and comply with these controls and we communicate our Privacy Statement, practices and guidelines to our employees. However, while we strive to protect your Personal Information, you must also take steps to protect your information. We urge you to take every precaution to protect your Personal Information while you are on the Internet.

10. Retention and Integrity of Your Information

We will retain your Personal Information as long as it is necessary and relevant for our business operations.

Your Account information online is accessible through your username and password. If you are a registered User, you can review and update your profile and information using your username and password. To protect the confidentiality of your information, you must keep your password confidential and not disclose it to other people.

11. Other Sites and Third Parties

The Mobile Apps may contain links to websites owned by other companies or devices manufactured by third parties. Liberty Pumps does not control or endorse and is not responsible for the privacy practices of such other sites or third parties. In addition, this Privacy Statement is not intended to describe data handling procedures for information collected by other linked websites or business partners.

12. Non-U.S. Residents

If you live outside the United States (including in the European Economic Area), and you use our Devices and Mobile Apps, or provide us with Personal Information directly via the Mobile Apps, such information will be handled in accordance with this Privacy Statement. By using the Mobile Apps or giving us your Personal Information, you are directly transferring your Personal Information and other information to us in the United States. The United States may not have the same level of data protection as your jurisdiction. However, you agree and consent to our collection, transfer, and processing of your Personal Information and other information in accordance with this Privacy Statement and subject to United States laws. You are solely responsible for compliance with any data protection or privacy obligations in your jurisdiction when you use the Devices and Mobile Apps, or provide us with Personal Information. Regardless of where we transfer your information, we still protect your information in the manner described in this Privacy Statement.

We do not knowingly collect Personal Information about individuals residing in the European Union. If you believe we have collected information about any individuals residing in the European Union, please contact us immediately at info@libertynighteye.com.

13. Security

Liberty Pumps is committed to maintaining the security of the data you provide us. However, please note that there is always some risk in transmitting information over the Internet. Because the Mobile Apps, the System and the Devices are provided through wireless networks and the Internet, when you use the Mobile Apps, the System or the Devices, your communications may be intercepted by others. For this reason, Liberty Pumps cannot guarantee the security and privacy of wireless transmissions or transmissions via the Internet, and we will not be liable for any lack of security relating to the use by you of the Mobile Apps, the System or the Devices. You agree that you will not hold Liberty Pumps liable for any damages resulting from any loss of privacy or security occurring in connection with any communications over such networks.

14. California Residents: Your California Privacy Rights

California law permits customers of Liberty Pumps who are California residents to request and receive certain information regarding Liberty Pumps' disclosure of Personal Information to third parties for their direct marketing purposes, and your choices with respect to such disclosures. To make such a request, please contact us through the information provided below in "Contact Us."

[If you are a California resident, please see the California Privacy Notice, below.]

15. Contact Us

Any questions regarding this Privacy Statement should be directed to Liberty Pumps at the Contact Us section of www.LibertyPumps.com, our physical address at 7000 Apple Tree Avenue, Bergen, NY 14416, or by phone at 800-543-2550.

16. Updates to Privacy Statement

This Privacy Statement is subject to, and hereby incorporated by reference into, the Liberty Pumps License Agreement and Terms of Use. Liberty Pumps reserves the right to change this Privacy Statement at any time, and Liberty Pumps is under no obligation to provide you notice of such modifications via email or other communication. Any changes to this Privacy Statement will be posted to this page as soon as reasonably possible and we will note near the top of this page the date that any changes are made and/or when they become effective. Therefore, please check this page periodically. Use of the Liberty Pumps Mobile Apps, the System or the Devices constitutes consent to any policies then in effect.

Privacy Notice for California Residents

This **Privacy Notice for California Residents** supplements the information contained in Liberty Pumps's Privacy Policy and applies solely to external contacts who reside in the State of California ("**you**" or "**Consumer**"). We adopt this notice to comply with the California Consumer Privacy Act of 2018 (CCPA) and any terms defined in the CCPA have the same meaning when used in this Notice.

Information We Collect and Disclose

We collect information that identifies, relates to, describes, references, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device ("**Personal Information**"). Personal Information does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.

In particular, we have collected the following categories of Personal Information from our Consumers within the last twelve (12) months:

Category	Collected	Disclosed
Identifiers , such as your name, address, phone number, email address, date of birth, or other similar identifiers.	YES	Directly from you when creating your NightEye® account
Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)), such as birthdate, contact information, and payment information. Some personal information included in this category may overlap with other categories.	NO	
Protected classification characteristics under California or federal law, such as your age, race, color, ancestry, national origin, citizenship, sexual orientation, or other similar protected information.	NO	
Commercial information , such as records of personal property, products or services	NO	

purchased, or other consuming histories or tendencies.		
Biometric information , such as genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as fingerprints.	NO	
Internet or other similar network activity , such as browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	NO	
Geolocation data , such as physical location or movements.	NO	
Sensory data , such as audio, electronic, visual, thermal, olfactory, or similar information.	YES	Data from device is used to determine condition of equipment and provide alerts.
Professional or employment-related information . Such as current or past job history or performance evaluations.	NO	
Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)), such as educational history or degree (for applicants).	NO	
Inferences drawn from other personal information , such as predictions about your interests and preferences.	NO	

Use of Personal Information

We use your information in accordance with the Section “Why do we collect personal data” in our Privacy Policy [here](#).

We will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Sharing Personal Information

We may disclose your personal information to a third party for a business purpose. When we disclose personal information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract. Please see above for the disclosures we have made in the preceding twelve (12) months for a business purpose.

Sales of Personal Information

In the preceding twelve (12) months, Liberty Pumps has not sold personal information.

Your Rights and Choices

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

The Right to Know	<p>You have the right to request any or all of the following information relating to your personal information we have collected and disclosed in the last 12 months, upon verification of your identity:</p> <ul style="list-style-type: none">- The specific pieces of information we have collected about you;- The categories of Personal Information we have collected about you;- The categories of sources of the Personal Information;- The categories of Personal Information that we have disclosed to third parties for a business purpose, and the categories of recipients to whom this information was disclosed;- The categories of Personal Information we have sold and the categories of third parties to whom the information was sold; and- The business or commercial purposes for collecting or selling the Personal Information
The Right to Request Deletion	<p>You have the right to request the deletion of Personal Information we have collected from you, subject to certain exceptions.</p>
The Right to Opt Out of Personal Information Sales	<p>You have the right to request the deletion of Personal Information we have collected about you to third parties now or in the future.</p>
The Right to Non-Discrimination	<p>You have the right not to receive discriminatory treatment for exercising these rights. However, please note that if the exercise of these rights limits our ability to process Personal Information, we may no longer be able to provide you our products and services or engage with you in the same manner.</p>
“Shine the Light”	<p>California’s “Shine the Light” law (Civil Code Section § 1798.83) permits users of our Website that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please send an email to liberty@libertypumps.com or write us at: Liberty Pumps 7000 Apple Tree Avenue, Bergen, NY 14416</p>

Changes to Our Privacy Notice

We reserve the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on the Website and update the notice's effective date. **Your continued use of our Website or our Services following the posting of changes constitutes your acceptance of such changes.**

Contact Information

If you have any questions or comments about this notice, the ways in which Liberty Pumps collects and uses your information described here and in the **Privacy Policy**, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: 800-543-2550

Website: <http://www.libertypumps.com/Landing>

Email: liberty@libertypumps.com

Postal Address:

Liberty Pumps

7000 Apple Tree Avenue, Bergen, NY 14416, or by phone at 800-543-2550.