

CUDA TMS Mobile Application Privacy Policy

This privacy policy ("Privacy Policy") describes the types of Information (as defined below) that EEL Data Systems Inc. ("EEL", "we", "our", or "us") collects from you (a registered user, together with individuals users within your organization) when you visit or utilize the CUDA TMS mobile application (the "App"), and how we collect, use, maintain, protect, and disclose that Information.

Please read this Privacy Policy to understand our policies and practices regarding your Information and to understand how we will handle your Information. If you do not agree with our policies and practices, do not use the App. By accessing or using the App, you are agreeing to this Privacy Policy. Please note that some provisions of this Privacy Policy only apply to persons in certain jurisdictions.

This Privacy Policy applies on an after the effective date set forth below. ***We may change this Privacy Policy at any time, at our discretion.*** Your continued use of the App after we publish changes to this Privacy Policy make changes is deemed to be acceptance of those changes and the Privacy Policy as updated, so please check the Privacy Policy periodically for updates.

This Privacy Policy is subject to and governed by the EEL Terms of Service ("Terms"). A term used in this Privacy Policy has the meaning given to it in the Terms, if defined there.

1. The Types of Information That EEL Collects About You, and How EEL Collects Information About You

EEL may collect two types of information from you when you visit the App: Personal Information and Non-Personal Information (collectively "Information").

- "Personal Information" refers to data by which you may be personally identified, such as your business name, names of individual users within your organization, phone numbers, emails addresses, and other information that you provide.
- "Non-Personal Information" means data that is about you that does not identify you specifically. If you do nothing during your visit to our App other than open, browse, or view content, we will gather and store information about your visit that does not identify you personally.

We collect Information:

- Directly from you when you provide it to us or enter Information into the App, including registration and account information.
- From your use of services within the App, including usage data, and search Information related to providers or transaction quotes.
- From our service providers, such as our ordering platforms, brokers, logistics providers, and others.
- From other sources or third parties.
- Through your communications with us.
- Automatically as you navigate through the App.
- Through analytics.

Information You Provide Directly to EEL. The Information that you provide us directly through our App may be collected through the following means:

- Information you provide by registering and creating an account on the App.
- Information that you provide when you subscribe to our mailing list.

- Information that you provide by filling in forms on the App.
- Information that you provide when you utilized services on the App.
- Information that you provide when you complete a transaction through the App.
- Information that you provide when you report a problem with the App.
- Information that you provide in connection with an inquiry, including inquiries about registering or making purchasing through the App.
- Records and copies of your correspondence (including email addresses), if you contact us.
- Your responses to surveys.

Information Automatically Collected from You. The Information that EEL may automatically collect and store about you when you visit the App may include:

- The location of your mobile device when you open the App.
- The type of device you used.
- The operating system you used.
- The date and time you visited the App.
- The pages you accessed on the App.
- The website you visited prior to coming to the App.
- The Internet Protocol Address, which is a numerical identifier used to direct internet traffic to you.

2. Cookies

We use cookies and similar technologies to recognize you, your device, and to control other user preferences and permissions.

3. How EEL Uses Information Collected About You, and the Purpose for the Collection and Use

We use Information that we collect about you or that you provide to us, including any Personal Information, for the following purposes:

- To present our App and the App Content (as defined in the Terms) to you.
- To provide you with the products or services that you request from us.
- To provide support and assistance for the App.
- To improve the App and products offered through it, including testing, research, internal analytics and product development.
- To perform fraud protection, security, and debugging.
- To create and manage user accounts or other user profiles.
- Processing orders or other transactions.
- Responding to correspondence from users, contacting users when necessary or requested, and sending users information about the Company or the Services.
- Fulfilling the Company's legal obligations under applicable law, regulation, court order or other legal process, such as preventing, detecting, and investigating security incidents and potentially illegal or prohibited activities.
- Protecting the rights, property or safety of users, the Company or another party.
- Responding to claims and resolving disputes.

- To carry out our obligations, enforce our rights, and facilitate the services arising from any contracts entered into between you and us, including for billing, collection, and tax requirements.
- To investigate or defend against third-party claims or allegations.
- To notify you about changes to the App or any products we offer or provide through it.
- To communicate with you regarding our products and services, including for marketing purposes by email and other means, unless you have opted out of receiving marketing communications.
- To personalize the App or our services, content, and communications to you.
- To communicate with you regarding questions about our product and services.
- In any other way we may describe when you provide the Information.
- To fulfill any other purpose for which you provide it.
- For any other purpose with your consent, including for marketing and advertising.

App statistics are compiled into traffic reports, which help EEL understand, anticipate, and respond to user needs. If we learn, for example, of heightened interest in certain aspects of the App, we are likely to highlight that information on the App home page. This Information helps us create a better overall experience for App users.

We will only retain your Personal Information for as long as reasonably necessary to fulfill the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting, or reporting requirements. We may retain your Personal Information for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for Personal Information, we consider the amount, nature, and sensitivity of the Personal Information; the potential risk of harm from unauthorized use or disclosure of your Personal Information; the purposes for which we process your Personal Information and whether we can achieve those purposes through other means; and the applicable legal, regulatory, tax, accounting, or other requirements. In some circumstances, we will anonymize your Personal Information (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this Information indefinitely, without further notice to you.

4. How EEL Protects Your Information

We have implemented measures designed to protect your Information from accidental loss and from unauthorized access, use, alteration, and disclosure. The internet is not completely secure however. Although we are working to protect your Information, we cannot guarantee the security of your Information either in transmission or when stored. We are not responsible for circumvention of any privacy settings or security measures contained on the App.

5. When EEL Shares Your Information

We may use and disclose Non-Personal Information about our users without restriction. However, we do not sell your Personal Information. We disclose Personal Information that we collect or that you provide with third-party service providers and other third parties that support and facilitate our business and assist in the performance of the services or the functioning of the App as described below. We also may share your Personal Information as follows:

- To and among our subsidiaries and affiliates.
- To fulfill the purpose for which you provide it.
- To provide you with the products, services or information they request.
- For any other purpose disclosed by us when you provide the Information, including for marketing and advertising.
- With your consent, including to other Users as necessary to provide services.

- To a buyer or other successor (potential or actual) in connection with a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of EEL's assets, including any related due diligence.
- To comply with any court order, law, or legal process, including to respond to any government or regulatory request or for tax purposes.
- To enforce or apply our Terms.
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of EEL or others.

6. Third Parties Providing Services On Our Behalf

We use third parties to help process and facilitate your purchases, host the App, design and operate the App features, and to perform administrative, analytics, and payment processing. Services third parties provide include providing information to EEL about the use and viewing of the App. We may disclose your Information to these companies so they can carry out these services. These companies are bound by contractual obligations to keep Information confidential. Namely, we provide Personal Information to the following third-parties:

- Amazon Web Services – for storage and handling notifications
- EDI Nation – for translating and processing electronic data interchange (EDI) information
- Transistorsoft – for geolocation services
- QuickBooks – for integration between the App and QuickBooks software/services
- Supabase – for management and authentication of user accounts

7. Information From Users Under 18

EEL does not knowingly collect any Information from anyone under 18 years of age through the App. If EEL learns that anyone under 18 years of age has provided Information through the App, EEL will delete this Information from its databases. If you are under 18, do not use this App or provide any Information about yourself to EEL, including your name, address, telephone number, or email address. If you become aware that Information of someone under 18 years of age has been provided, please contact us at cuda@eeldatasystems.com.

8. Links to Other Websites and Services

We are not responsible for the practices employed by websites or services linked to or from the App, including the information or content contained therein. Our Privacy Policy does not apply to third party websites or services.

9. Do Not Track

Some browsers and apps 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. At this time, the App does not respond to or honor DNT signals.

10. Your Choices About Information

If you choose not to provide Information, you may be unable to access all or portions of the App. If you no longer wish to receive marketing or promotional communications from us, click on the "unsubscribe link" provided in such communications or send us an email at cuda@eeldatasystems.com.

If you opt out of receiving marketing/promotional emails, we may still send you non-promotional emails, such as emails about your accounts or our ongoing business relations. Please report your concerns about collection or use of Personal Information through the App to cuda@eeldatasystems.com.

11. Your California Privacy Rights

California's "Shine the Light" law (Civil Code Section § 1798.83) permits users of the App that are California residents to request certain information regarding EELs disclosure of Personal Information to third parties for their direct marketing purposes. To make such a request, please contact EEL at the email address included below.

12. How To Contact Us About This Privacy Policy

To ask questions about this Privacy Policy and our privacy practices, contact us at cuda@eeldatasystems.com or by mail at:

EEL Data Systems

5330 N Pecos St

Denver, CO 80221

Effective Date:

July 20, 2023