



PRIVACY POLICY

ESP is committed to protecting your privacy. This Privacy Policy sets out how we process and handle your personal information when you visit any of our websites (that contain a link to this Privacy Policy, collectively, our “Sites”) or access and use any of our consulting or managed services, including any solutions or the ESP Hub (collectively together with Sites our “Services”).

This Privacy Policy describes the types of personal information that we collect, the purposes for which we use it, the types of third parties with which we share it, and any rights you may have with respect to such information. Personal information is defined in the Privacy Act 2020 as any information about an identifiable individual.

This Privacy Policy, together with the terms and conditions that that you have agreed to when accessing and/or purchasing the Services (“Terms”) and any other documents referred to in those Terms, governs how personal information collected in connection with the Services will be handled by ESP.

By utilising the Services you will be deemed to have read and agreed to the terms of this Privacy Policy and the Terms. Our Terms take precedence over any conflicting Privacy Policy provisions.

Energy Solution Providers Limited, PO Box 109501, Newmarket, Auckland 1142 (“ESP”, “we”, “us” or “our”) is the agency collecting and holding personal information for the purposes of this Privacy Policy.

1 What information do we collect?

1.1 Information collected directly from you. When you visit our Sites or use our Services, we may ask you for personal information to provide a service or carry out a transaction that you have requested. You may also provide personal information to us when you contact or engage with us or register for an account to use our Services.

The personal information we collect from you when you use our Services, or when you contact or engage with us, may include:

- a. Identity data, such as your name, title, company/organisation name, e-mail address, telephone numbers and physical address;
- b. Registration data, such as information provided by you when you register for an account, including usernames and passwords;
- c. Recruitment data, including information submitted in connection with a job application or inquiry (as described below);
- d. Business contact data, such as information related to other employees, owners, directors, officers, or contractors of a third-party organization who may need access to our Services or who we may need to contact in relation to your use of our Services.



- e. Marketing and communications data, including your marketing preferences and your subscriptions to our publications;
- f. Financial information, including credit card or other financial account information for the purpose of enabling us to facilitate your purchase of our Services;
- g. Transaction data, including inquiries about and orders for our Services and details of payments from you, including purchase order history and information needed to facilitate payment transactions;
- h. Event registration information, including information you provide when filling in e-registration forms; and
- i. Your feedback, including surveys, recommendations, or other feedback from you about our Services.

If you do not provide requested information, we may not be able to provide you the requested service or complete your transaction.

1.2 Information we collect about you. We collect certain information about your visit to our Sites, including:

- a. Usage data, including information about how you use our Sites, what pages you view, the number of bytes transferred, the links you click, the materials you access, the date and time you access the Site, the website from which you linked to one of our Sites and other actions taken within the Sites; and
- b. Technical data, such as your Internet Protocol (IP) address, your browser type and capabilities and language and your operating system.
- c. For information about the cookies we use on our Sites, please refer to the section entitled "Cookies" below.

1.3 Information collected from third parties. In accordance with applicable law, we may collect personal information about you from third parties, such as social media websites/applications, which we may combine with the information we already hold about you in order to help us improve and customise our Sites to your preferences and for other purposes set out in this Privacy Policy. We may also collect your business contact information from your employer or other third parties, which we will use to facilitate or otherwise engage in traditional business activities and similar administrative matters.

1.4 Through your use of the Services, we may collect information from you about someone else. If you provide us with personal information about someone else, you must make sure that you are authorised to disclose that information to us and you are responsible for ensuring that we are permitted to collect, use and disclose such information for the purposes described in this Privacy Policy.

This means that you must take reasonable steps to ensure the individual concerned is aware of this Privacy Policy.



Where requested to do so by us, you agree to assist us with any requests by the individual to access or update the personal information you have collected from them and provided to us in connection with the Services.

2 How do we use the information?

2.1 The purposes for which the personal information may be used by us include (each a Purpose):

- a. Services and transactions. In carrying out our obligations arising from any contracts entered into between you and us or in connection with the Services such as providing you with analysis, reporting, alerting or conservation measures or billing for the Services;
- b. Securely accessing Services. To enable you to securely access and participate in interactive features of the Services, when you choose to do so;
- c. Administering and protecting our business and Sites. We may use your information for system maintenance, troubleshooting, support and hosting of data;
- d. Improving our business and Services. We may use your personal information to perform business analyses or for other purposes that help us to develop and improve the quality of our business, Sites, Services (including new products and services), for example, by customising our Sites to your particular preferences or interests or conducting surveys, seminar, events or forums;
- e. Marketing. subject to you providing your consent, we may use your personal information to inform you of products or services which may be of interest to you, and to otherwise communicate with you about offerings, events and news, surveys, special offers, and related topics. You can opt-out from marketing communications sent via e-mail at any time, by using the unsubscribe function in any e-mail marketing materials you receive from us, or by contacting us at info@esphq.com;
- f. Business Contact Data. We use business contact data in transactions, including for conducting due diligence regarding, or providing or receiving, a product or service e.g. we may collect and use business contact data to facilitate and manage orders, contracts, warranties, credit analysis and collection purposes, to assist with our own internal compliance and legal requirements, and (if necessary) to defend our interests and claims;
- g. Employment applications. In connection with a job application or inquiry, you may provide us with information about yourself, such as a resume/curriculum vitae, professional references, information about education and job background, and information about professional training and certifications. We may use this information for the purpose of employment consideration, background checks and employment eligibility, and as otherwise set out in any separate privacy statement or other notice made available to in connection with your application. We may use a third party (e.g., job recruiter) or social media platform to solicit, collect, and retain employment applications.



- h. Research and analysis. We may use your personal information to conduct research and analysis to help us analyse your purchasing preferences, identify the products and services that best meet your requirements and measure the effectiveness of the advertising we serve you.
- i. Enforcement: We may use the personal information we collect in order to detect, prevent and respond to fraud, intellectual property infringement, violations of our terms and conditions, violations of law or other misuse of our Sites or Services.

3 Disclosure of the information

- 3.1 We may provide certain personal information to our related companies or other third parties where necessary or appropriate to facilitate the purpose for which the information was collected, including the provision of the Services, and in situations where we engage third parties to perform services on our behalf (such as cloud storage providers or marketing agencies).
- 3.2 Disclosures in connection with acquisitions or divestitures. Circumstances may arise where for strategic or other business reasons we decide to sell, buy, divest, merge or otherwise reorganise our business. We may disclose information we maintain about you, but only to the extent reasonably necessary to proceed with the negotiation or completion of a merger, acquisition, divestiture or sale of all or a portion of our assets.
- 3.3 Disclosure for other reasons. We may also disclose personal information if required or permitted to do so by law.

4 Cookies and similar technologies

4.1 What is a cookie?

Cookies are small text files they are stored by your browser onto your computer or mobile device. They are widely used to make websites work or work in a better, more efficient way. They can do this because websites can read and write these files, enabling them to recognise you and remember important information that will make your use of a website more convenient (eg by remembering your user preferences).

4.2 We use Cookies to assist us with the operation of our website, provide you with a more personalised service, and to conduct business analytics.

4.3 Setting your cookie preference

You can usually modify your browser settings to decline or disable cookies . If you choose to decline cookies altogether, you may not be able to fully experience the features of the Sites that you visit.

4.4 Our Sites also may contain electronic images known as web beacons – sometimes called single-pixel gifs – that allow us to count the number of users who have visited specific pages. We may also include web beacons in promotional e-mail messages or newsletters to determine whether messages have been opened and acted upon.

4.5 We use industry standard web analytics to track visits to our sites (“Web Analytics Providers”). The information generated by the cookie about your use of our Sites



(including your IP address) will be transmitted to and stored by our Web Analytic Providers on their servers. The Web Analytics Providers will use this information for the purpose of evaluating your use of our Sites, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage. The Web Analytics Providers may also transfer this information to third parties where required to do so by law, or where such third parties process the information on their behalf.

We use different analytic tools which serve the purpose of measuring, analysing and optimizing our marketing measures and provide you with customized advertisements that could be of particular interest to you.

5 Links to other websites

- 5.1 Our Website may contain links to other websites of interest. However, once you have used these links to leave the Site, you should note that we do not have any control over that other website. We cannot be responsible for the protection and privacy of any information which you provide whilst visiting such sites and such sites are not governed by this Privacy Policy. You should exercise caution and look at the privacy policy applicable to the website in question.

6 Security and protection of the information

- 6.1 All information you provide to us is stored on secure servers hosted by third party hosting providers (who may be located outside of New Zealand). Where personal information is disclosed outside of New Zealand, we will ensure that such third party is subject to comparable privacy laws to New Zealand or is required to protect the personal information in a way that is comparable to New Zealand's privacy laws.
- 6.2 Where we have given you (or where you have chosen) a password which enables you to access certain parts of our Site, you are responsible for keeping this password confidential and secure. We ask you not to share a password with anyone.
- 6.3 While we use reasonable procedures and security features to try to protect your personal information from misuse, loss and unauthorised access, unfortunately, the transmission of information via the internet is not completely secure. Therefore, we cannot guarantee the security of your data transmitted to our Site and any transmission is at your own risk.
- 6.4 We will never contact you to ask you to disclose your security credentials. Be cautious about opening links contained in SMS messages or emails and beware of phishing scams.

7 Retaining the information

- 7.1 We will retain personal information for as long as it is necessary for the purposes for which the information is required by applicable laws.

8 Your rights



- 8.1 Under the New Zealand Privacy Act 2020, you have the right:
- a. to check whether we hold personal information about you and to access such information;
 - b. to request us to correct any information relating to you that is inaccurate, and if we are unwilling to correct the information you may request us to attach a statement to the information noting the correction sought;
- Please send any requests for access to or correction of personal information, to info@espnz.co.nz.
- 8.2 In accordance with the Privacy Act 2020, in some circumstances, we have the right to and may charge a reasonable fee for processing any information access request.

9 Changes to our Privacy Policy

- 9.1 We may modify this Privacy Policy from time to time without prior notice by publishing a new version of this Privacy Policy on our Sites, which is your responsibility to review. Any changes to the Privacy Policy will be reflected on our Sites and will become effective immediately upon publication. We encourage you to periodically review this Privacy Policy to stay informed about how we are handling the personal information we collect. If changes to the Privacy Policy are material, we will notify you via email in advance of the change taking effect. Please check the date on which this Privacy Policy was last updated below to determine if there have been any changes since you have last reviewed the Privacy Policy.

Last updated: August 2021