

## ATA Freight Line Ltd. - GDPR Privacy Notice

**Last Updated: November 20, 2018**

ATA Freight Line Ltd. (“ATA”, “we”, “our” or “us”) is committed to protecting and respecting your privacy. We are registered in the State of New York and have our primary business location at Garden City, N.Y., U.S.A.

This notice and our Cookies Policy]set out the basis on which any Personal Data (as defined below) we collect from you, or that you or others provide to us, will be processed by us where we act as the controller of that data and when its processing is governed by the EU General Data Protection Regulation (“GDPR”). Please read the following carefully to understand our views and practices regarding your Personal Data and how we will treat it.

For the purposes of GDPR, ATA is the controller of any Personal Data collected from you on the website or otherwise for the purpose of conducting or developing our business with you. Where processing of Personal Data is undertaken by our affiliated companies, they are joint controllers with ATA of your Personal Data. For the purposes of this notice, “**Personal Data**” means any information relating to an identified or identifiable person.

### THE TYPES OF INFORMATION WE USE

We may collect and use the following information about you:

#### Information We Collect Automatically:

- **Traffic Information:** When you visit our website or use our mobile application (together the “**Platform**”), we automatically track and collect information including: (1) your Internet protocol (IP) addresses and domain server address; (2) the date and time of your visit to the site / application; (3) the type of internet browser and operating system you used to access the Platform; (4) the pages that you accessed at the Platform; (collectively “Traffic Information”).
- **Usage Data:** Personal Data does not include “Usage Data”, which is de-identified, aggregated data we collect about a group or category of services, features or users, which does not constitute Personal Data. Usage Data helps us understand trends in usage of our services so that we can better consider new features or otherwise tailor our services. We may share Usage Data with third parties, including our customers, partners and service providers, for various purposes such as helping us better understand our customers’ needs, improving our service, and marketing. We do not share Usage Data with third parties in a way that would enable them to identify you personally.
- **Information Obtained Through Cookies and Other Tracking Mechanisms:** Please see our Cookies Policy, available here <http://atafreight.com/Uploads/CookiePolicyATAFreight.pdf>

#### Information We Collect Directly From You:

- **Personal Data:** So that you may access the services we offer through our Platform, we require you to provide us with certain Personal Data. The Personal Data we collect, generate or process includes the following: (1) your name, (2) your address, (3) telephone number, (4) fax number, (5) e-mail address, (6) company name, (7) User ID, as selected by you, and (8) passwords. In some cases, (9) shipping details (such as origin/destination city and state, shipping mode, departure and arrival dates, carrier and service name, commodity, weight, volume and HS code), (10) proof of delivery information (11) address history] may relate to an identified or identifiable person and therefore constitute Personal Data that we process. We also collect and process names and addresses of consignees, shippers, and their agents. If you communicate with us by email or complete online forms or surveys, information provided by you in such communications may also be collected and processed as Personal Data.
- **Location Personal Data:** When you use the Platform on a mobile device, we may process information about your location, if activated on your mobile device, by use of a Global

Positioning System (GPS). We may use this information to provide you with location-based services, such as advertising and other personalised content. If you do not wish to share your location with us, you can switch off GPS functionality on your mobile device.

#### **Information We Receive from Third Parties:**

- We may receive Personal Data if you use any of the other websites we operate or other services we provide. We may also receive information from third parties (such as advertising networks and analytics providers) and from other sources, including business directories and other commercially or publicly available sources.

Most of the Personal Data we process is needed to comply with law, or to enter into or perform an agreement with you. If we cannot collect such data, we may be unable to on-board you as a customer or provide Services to you.

#### **COOKIES**

We use cookies and other similar technologies (e.g. web beacons, Flash cookies, etc.) (“**Cookies**”) to enhance your experience using the Platform. Cookies are small files which, when placed on your device, enable us to provide certain features and functionality. Please read our Cookies Policy here [\[http://atafreight.com/Uploads/CookiePolicyATAFreight.pdf\]](http://atafreight.com/Uploads/CookiePolicyATAFreight.pdf) for more information.

#### **WHY WE USE YOUR PERSONAL DATA**

We process and use your Personal Data if there is a legal justification for doing so. Below is an overview of the legal justifications for processing Personal Data, and why we use your Personal Data. Additional details on how we process your Personal Data may be provided to you in a separate notice or contract.

- **Performance of a Contract / Entering into a Contract.** Processing your Personal Data is necessary in some cases to perform a contract with you or take steps to enter into a contract at your request:
  - Provide our services to you, including processing of orders and purchases, pick up, delivery and tracking of shipments;
  - Personalise the shipments and live tracking you receive and provide you with tailored content that may be of interest to you;
  - Notify you about changes to our service;
  - Provide you with user and after-sales support;
  - Send information to your contacts if you ask us to do so;
  - Enforce our terms, conditions and policies;
  - Receive payments from you and/or make payments to you in accordance with a separate agreement if applicable; or
  - Communicate with you or respond to your inquiries.
- **Our Legitimate Interest.** Processing your Personal Data is in our legitimate interests, which are not overridden by your interests and fundamental rights. When the justification for processing your Personal Data is our legitimate interests, those interests are to use Personal Data to conduct and develop our business activities with users and with others in order to support our reputation and increase our revenues, while limiting the use of Personal Data to those purposes that strictly support the conduct and development of our business within the reasonable expectation of the individuals concerned:
  - Improve the Platform and to ensure content from the Platform is presented in the most effective manner for you and your device;
  - Administer the Platform and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
  - administer surveys and questionnaires, such as for market research or customer satisfaction purposes;

- comply with legal obligations, as part of our general business operations, and for other business administration purposes; or
  - Allow you to participate in interactive features of the Platform, when you choose to do so;
  - Personalise the content you receive;
  - Keep the Platform safe and secure;
  - Develop our Platform and conduct product development;
  - Measure and understand the effectiveness of the advertising we serve to you and others;
  - Make suggestions and recommendations to you and other users of the Platform about goods or services that may interest you or others; or
  - Provide you – or permit selected third parties to provide you – with information about services we feel may interest you. Where we permit selected third parties to use your data, we (or they) will contact you by electronic means only if you have consented to this.
  - Respond to claims asserted against us or, comply with legal process (e.g., subpoenas or warrants), enforce or administer our agreements and terms, to conduct fraud prevention, risk assessment, investigations, to protect our rights, property or safety and those of users, or others, and more broadly to protect our confidential and proprietary information investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person or violations of our terms and conditions or this privacy policy;
  - Comply with the law, a judicial proceeding, court order, subpoena, or other legal process;
  - Share your Personal Data with third parties in connection with potential or actual sale of our company or any affiliate, or of any of our assets or those of any affiliated company, in which case Personal Data held by us may be one of the transferred assets.
- **Your Consent.** We process your Personal Data in some cases because you have consented to that processing:
    - Testimonials - to publish on our website, Apps or social networking pages your user experience with our services.

#### **WITH WHOM AND HOW WE SHARE YOUR INFORMATION**

We may share your information with selected third parties in or outside your country, including:

- our business partners so that we can make you special offers via the Platform;

With respect to on-screen ads, advertisers and advertising networks that require the data to select and serve adverts to you and others, with your consent. We will not share your contact details with our business parties so they will not contact you directly but we will share other information so that they can make you offers tailored to your requirements.

- our suppliers and subcontractors who help us run the Platform and perform any functions on our behalf, such as payment procesors, hosting providers, auditors, advisors, consultants, customer service and support providers;
- analytics and search engine providers that assist us in the improvement and optimisation of the Platform.

We will not sell or rent your Personal Data (such as name, address, and telephone number) to third parties for their marketing purposes without your explicit consent.

We may share your information (including Personal Data) with any member of our group, which means our subsidiaries, or our ultimate holding company and its subsidiaries, in each case in or outside your

country, for the purposes set out above (“WHY WE USE YOUR PERSONAL DATA”).

We may share such information with law enforcement agencies, public authorities or other organisations if legally required to do so, or if we have a good faith belief that such use is reasonably necessary to:

- comply with a legal obligation, judicial proceeding, court order, or other legal process or request, including responding to subpoenas;
- enforce our terms of service and other agreements, policies, and standards, including investigation of any potential violation thereof;
- detect, prevent or otherwise address security, fraud or technical issues; or
- protect the rights, property or safety of us, our users, a third party or the public as required or permitted by law (including exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction).

We may also disclose such information to third parties:

- whenever you consent to or direct such sharing;
- in the event that we sell or buy any business or assets, in which case we may disclose your data to the prospective seller or buyer of such business or assets;
- if we sell, buy, merge or partner with other companies or businesses, or sell some or all of our assets. In such transactions, user information may be among the transferred assets; or
- we may share aggregate or de-identified information about users with third parties for marketing, advertising, research, or similar purposes.

#### **WHERE WE STORE YOUR PERSONAL DATA**

The information that we collect from you (including Personal Data) may be transferred to, and stored at, a destination outside of your country. It may also be processed by staff operating outside your country who work for us, for one of our suppliers or one of our business partners. By submitting your information, you agree to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your information is treated securely and in accordance with this policy.

#### **THE SECURITY OF YOUR PERSONAL DATA**

Unfortunately, the transmission of information via the internet is not completely secure. Although we have implemented reasonable measures to protect your Personal Data, we cannot guarantee the security of your information (including Personal Data) transmitted through the Platform; any transmission is at your own risk.

We may, from time to time, contain links to and from the websites of our partner networks, advertisers affiliates and other third parties. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before you submit any information to these websites.

#### **PERSONAL DATA RETENTION**

As a general rule, we will retain your Personal Data as required under applicable laws, or as long as the Personal Data is required to fulfil our legitimate business needs or the purposes for which the Personal Data was collected. In general, we will retain relevant Personal Data of Site users for up to three (3) years from the date of our last interaction with you and in compliance with our obligations under applicable laws. In general, we will retain relevant Personal Data of our customers for up to five (5) years from the date of termination of the relevant agreement with you.

After you have terminated your use of our services, we may store your information in an aggregated

and anonymised format. To the extent permitted by applicable law, we will retain and use your Personal Data as necessary to comply with our legal obligations, resolve disputes, maintain appropriate business records, and enforce our agreements.

## TRANSFER OF INFORMATION

The services are headquartered in the United States. If you are located in the European Economic Area (“EEA”), please be aware that Personal Data you provide to us or that we obtain as a result of the services will be transferred to, maintained, accessed and otherwise processed in the United States, a country that the European Commission has deemed to not provide an adequate level of data protection by us or our service providers for the purposes mentioned above in accordance with applicable law. These transfers are necessary to perform our agreement with you or implement pre-contractual measures at your request. In some cases, the transfer is necessary to conclude or perform a contract in your interest, such as to provide services. Where required, we will enter into standard contractual clauses approved by the European Commission, or adopt another measure that provides adequate safeguards for the protection of Personal Data when transferred to a third country. You have the right to obtain a copy of the contract under which your Personal Data is transferred outside of the EEA. To request a copy you may contact us as set out in the “CONTACT” section below.

## YOUR RIGHTS

Subject to the conditions set out in the applicable law you have the following rights with regard to our processing of your Personal Data:

- **Right of access, erasure and rectification.** You have the right to request access to and obtain a copy of any of your Personal Data that we may hold, and to request the deletion of your Personal Data under certain circumstances. You can see and update most of this data yourself online, or by contacting us directly at [pradeep.nair@atafreight.com](mailto:pradeep.nair@atafreight.com) . If the Personal Data we hold about you is inaccurate or incomplete, you are entitled to request to have it corrected. If you are entitled to have Personal Data corrected and if we have shared your Personal Data with others, we will let them know about the rectification where possible. If you ask us, we will also tell you, where possible and lawful to do so, with whom we have shared your Personal Data so that you can contact them directly.
- **Your Right to Restriction of Processing.** You can ask us to restrict the processing of your Personal Data in certain circumstances, such as where you contest the accuracy of that Personal Data or you object to our use. Where your Personal Data is subject to restriction we will only process it with your consent or for the establishment, exercise or defence of legal claims. If you ask us, we will also tell you, where possible and lawful for us to do so, with whom we have shared your Personal Data so that you can contact them directly.
- **Right to Data Portability.** Where we are relying (as the justification for processing) upon your consent, or the fact that the processing is necessary to perform a contract to which you are party or to take steps at your request prior to entering a contract, and the Personal Data is processed by automated means, you have the right to receive a copy of Personal Data we have obtained from you in a structured, commonly used and machine readable format, and to reuse it elsewhere or to ask us to transfer this to a third party of your choice.

- **Right to object to processing (including profiling) based on legitimate interest grounds** - where we are relying upon legitimate interests to process Personal Data, you have the right to object to that processing. If you object, we must stop that processing unless we can demonstrate compelling legitimate grounds for the processing that override your interests, rights and freedoms, or we need to process the Personal Data for the establishment, exercise or defence of legal claims. Where we rely upon legitimate interest as a basis for processing we believe that we can demonstrate such compelling legitimate grounds, but we will consider each case on an individual basis.

- **Right to object to direct marketing (including profiling) - you have the right to object to our use of your Personal Data (including profiling) for direct marketing purposes, such as when we use your Personal Data to invite you to our promotional events.**

- **Your right to withdraw your consent.** In the event your Personal Data is processed on the basis of your consent, you have the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal.
- **Your right to lodge a complaint.** You have the right to lodge a complaint with the supervisory authority of your habitual residence, place of work or place of alleged infringement, if you consider that the processing of your Personal Data infringes applicable law. A list of data protection supervisory authorities is available here [https://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index\\_en.htm](https://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index_en.htm).

Please note that some of these rights may be limited, such as where we have an overriding interest or legal obligation to continue to process the data.

Please contact us as indicated in the “CONTACT” section below if you wish to exercise any of your rights, or if you have any enquiries or complaints regarding the processing of your Personal Data by us.

#### **INFORMATION RELATING TO CHILDREN**

The Platform is not directed at persons under the age of 18. Users under the age of 18 are not allowed to use the Platform or register an account on the Platform. If we become aware that Personal Data has been collected from a person under the age of 18, we will delete this information and terminate the person’s account. If you believe that we may have Personal Data about or collected from a person under the age of 18, please contact us at [legal@atafreight.com](mailto:legal@atafreight.com)

#### **CHANGES**

Any changes we may make to this notice in the future will be posted on this page. Please check back frequently to see any updates or changes to this notice. If we make any material changes to this privacy notice, we will post the updated privacy notice here and notify our users by highlighting the change on our website, or by contacting you via email, if we have your email on file.

#### **CONTACT**

Questions, comments, complaints and requests regarding this policy, including any requests to exercise your rights, are welcomed and should be addressed to:

ATA Freight Line Ltd.  
Address: 1325 Franklin Avenue, Suite 500 Garden City, N.Y. 11530 U.S.A.  
Email Address: [legal@atafreight.com](mailto:legal@atafreight.com)  
Attention: Legal Department  
Telephone No.: +1 718 995-3855

Data Protection Officer/EU representative:  
Email Address: [pradeep.nair@atafreight.com](mailto:pradeep.nair@atafreight.com)