

Online Privacy Policy

Effective Date: August 29, 2023

El Paso Electric Company (“**EPE**”) is committed to protecting and respecting your privacy. This Online Privacy Policy describes how we collect, use, share, or otherwise process personal information that we may obtain about you through www.epelectric.com (the “**Site**”), including our online customer account portal(s) (the “**Portal**”).

Please read this Privacy Policy carefully. We may change our Privacy Policy from time to time. We therefore ask you to check it occasionally to ensure that you are aware of the most recent version that will apply each time you access this Site. BY USING THIS SITE, YOU ACKNOWLEDGE THAT YOU HAVE READ AND UNDERSTAND THIS PRIVACY POLICY. IF YOU DO NOT AGREE TO THE PROCESSING DESCRIBED IN THIS PRIVACY POLICY, DO NOT USE THIS SITE.

For your convenience, this Site may contain links to other websites. The privacy policies and procedures described here do not apply to those websites, which may have their own privacy policies that you should review. Any reference to a linked website or any specific third-party product or service by name does not constitute or imply its endorsement by us, and you assume all risk with respect to its use.

How we Collect and Use Your Data

We may collect, use, store, and transfer certain personal information, which is information that identifies or can be used to identify you individually, to provide, improve, and protect our Site. We refer to such information in this Privacy Policy as “Your Data”.

Personal Information that you provide to us. When you visit our Site, you may choose to submit personal information directly to us - for example, when you request electric services from us, fill out forms on the Site, or apply for a position with us. The information you submit to us may include your name, mailing address, service address, email addresses, phone numbers, certain financial information (such as your payment card information or bank information), the last four digits of your Social Security number, drivers license number, resume and application information, feedback, and any other information you choose to provide to us.

If you are a corporate customer or a prospective vendor, we may collect additional information about you or your company.

Email and SMS Communications. We process Your Data when you enroll in email or SMS communications or when you engage in a transaction that allows us to send email or SMS communications. For example, if you are a customer, and you provide us with your email or a mobile phone number, we may send you emails or text messages relating to our services, your use, billing, and for marketing or promotional purposes relating to our services. You will receive messages periodically based on your energy use and billing cycle - for example, in the case of high bill alerts, whenever your utility usage exceeds a given usage threshold, or in the case of automatic payments, when you complete a payment. We do not share your mobile phone number (whether provided through the Portal or otherwise as part your correspondence with SMS shortcodes operated by EPE) with third parties other than our service providers providing support services on our behalf; we do not share your mobile phone number with our affiliates or third parties for marketing or promotional purposes. Please note that message and data rates may apply to messages you receive via SMS. T-Mobile® and other carriers are not responsible for delayed or undelivered SMS messages.

Information collected automatically. In addition to any information that you choose to provide to us, we and our vendors may automatically collect certain information whenever you visit or interact with the Site. This type of information may include technical data, such as your internet protocol (IP) address, your login data, the web page you visited before visiting our Site, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, unique identifiers, and other technology on the devices you use to access our Site, and usage data, e.g., data that relates to the navigation, interactions, or utilization of features on our Site. This data may allow us or third parties to collect information about your online activities over time and across different devices and online services when you use the Site. We may collect this data using cookies and similar technologies.

Cookies and Similar Technologies. One way we may collect information automatically through your use of the Site is through cookies or similar technologies (e.g., web pixels), which store and, in some cases, make available to third parties personal information and other information about a user and their use of our Site. We use cookies and similar technologies for several purposes:

1. “Strictly Necessary” purposes that are essential for the operation and your use of the website (e.g., to maintain user sessions, for security, and to deliver

- content).
2. “Functional” purposes that are necessary to provide certain features that you use, to store your preferences (such as your username, language, and region), and enable us to personalize content for you.
 3. “Analytics” purposes, e.g., to monitor website performance, for example by recognizing and counting the number of visitors and observing how visitors move around the website and what features are used most often.
 4. “Targeting and advertising” purposes, to deliver and personalize marketing communications you see on the web or on our Site; see below for more information.

Online Data Analytics and Advertising. We may use certain third-party web analytics services, such as Google Analytics, to help us understand and analyze how visitors use the Site and to serve ads on our behalf across the Internet. We and our vendors may use first-party cookies or other first-party identifiers as well as third-party cookies or other third-party identifiers to deliver advertisements, create a profile of you, measure your interests, detect your demographics, detect your location, detect your device, and personalize content.

We may use third-party technology to collect and use data in connection with interest-based advertising. These third-party ad technology companies and advertisers may use, store, or access cookies and other storage technologies to collect or receive information from the Site and elsewhere on the Internet and use that information to provide advertising services to us, including interest-based advertising or advertisements targeted to your interests. We have implemented Google Analytics advertising features such as dynamic remarketing, interest-based advertising, audience targeting, behavioral reporting, demographics and interests reporting, user segment analysis, device reporting, display advertising, and video ads reporting.

To find out more about how these third-party analytics services manage the privacy of information in conjunction with delivering ads online, and how to opt out of information collection by these networks, please visit: youradchoices.com/appchoices, optout.aboutads.info, or thenai.org. For more information on how Google Analytics uses data collected through the Site, visit: google.com/policies/privacy/partners/.

Common Business Purposes of Processing Your Data. In addition to the purposes described above, we generally use Your Data as appropriate for several common business purposes:

- *Our Services.* In connection with providing our electric services to you, to operate our portal, and to integrate with third-party service providers and other third parties in connection with your use of our services.
- *Usage.* To monitor, analyze, evaluate, and improve our Site.
- *Marketing.* To provide you with information about goods or services we feel may interest you, subject to your rights under applicable law and your choices described below.
- *Maintain Our Relationship.* To manage our relationship with you, including to respond to your correspondence. If you are a current or potential vendor, we will use Your Data to notify you as to certain opportunities or requirements we may have in the conduct of our business.
- *Investigations.* To prevent, investigate, identify, or take any other action with regard to any suspected or actual fraudulent or illegal activity or activity that violates our policies, or where appropriate in the public interest or to protect the vital interests of others.
- *Transactional Communications.* To communicate with you about our services, subject to your rights.
- *Legal Obligations.* To comply with applicable laws, rules, regulations, and legal processes as well as our company policies.
- *Consent.* For any other purpose, with your consent.

Sharing Your Data

EPE uses vendors for information technology services, analytics, and other services to help us provide, improve, protect, and promote our Site. These parties may access Your Data to perform tasks on our behalf in compliance with this Privacy Policy. For example, we may use service providers to help us operationally or to administer activities on our behalf, such as hosting content, and sending email or SMS communications. We do not share your mobile phone number with affiliates or third parties for marketing or promotional purposes.

In some cases, our Services may be used to share data with third-party entities when you consent to disclosure of that Your Data. For example, if you consent to the disclosure of utility usage data, we may disclose some of Your Data to specified parties as further described in the applicable authorization and consent.

In addition, we may share Your Data: (1) as permitted or required by federal or state laws and regulations; (2) in the event we sell or transfer all or a portion of our business assets (e.g., in connection with a merger, liquidation, reorganization, or any other business transaction, including negotiations of such transactions); (3) to enforce our policies; or (4) with your consent or at your direction.

EPE may also disclose Your Data if required by law; to protect your interests; for investigations by law enforcement or regulatory authorities; to protect and defend our property and legal interests; and to enhance the safety of users of EPE's services.

Protecting Your Data

We retain Your Data for as long as necessary to fulfil the purposes we collected it for, including, without limitation, for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for Your Data, we generally consider the amount, nature, and sensitivity of Your Data, the potential risk of harm from unauthorized use or disclosure of Your Data, the purposes for which we collect and process Your Data, and whether we can achieve those purposes through other lawful means.

We have implemented reasonable measures and procedures to protect Your Data from loss, theft, misuse, and unauthorized access, disclosure, alteration, and destruction. Nevertheless, transmission via the Internet and online digital storage are not completely secure, so we cannot guarantee the security of Your Data collected through the Site.

Links to other websites

The Site may include links to third-party websites, plug-ins, and applications, including social networks operated by unaffiliated parties. We do not control these third-party websites and are not responsible for their privacy policies. When you leave our Site, we encourage you to read the privacy policies of every website you visit. Please remember that their use of Your Data will be governed by their privacy policies and terms unless those parties are processing Your Data on our behalf.

If you interact with EPE on social media platforms (for example, by following us, sharing content from the Site, or liking posts), we may have access to information about you from the social media platform. In addition, Your Data may be publicly displayed on the social media platform and your interactions with these platforms may allow third parties to collect or share data about you.

Children's privacy

Our Site is not intended for children under the age of 16 and if we learn that the information we receive is from a child under 16, we will delete such information in accordance with applicable law.

Your choices

Accessing Account Information. We will provide you with the means to confirm that Your Data is correct and current. You may review this information by contacting us by sending an email to customercare@epelectric.com.

Email Marketing and Communications. If you are enrolled in email marketing materials from us and prefer to no longer receive such emails, you may opt out at any time by using the unsubscribe link located in our emails, or in some cases, by changing your preferences in the Your Account. Please note that this will not affect our administrative emails to you.

Cookies and Similar Technologies. You can set your browser not to accept cookies or disable the collection of data through certain similar technologies. You may also use commonly available tools in your browser to remove cookies which may have been placed on your computer. However, please note that if you disable the use of cookies or similar technologies on your computer, some functionality of the Site may not work. Your web browser may have settings that allow you to transmit a “Do Not Track” signal when you visit various websites or use online services. Like many websites and online services, this Site is not designed to respond to “Do Not Track” signals received from browsers. To learn more about “Do Not Track” signals, you may wish to visit allaboutdnt.com/.

To opt out of Google Analytics, visit: tools.google.com/dlpage/gaoptout/. To adjust your Google advertising settings, visit: adssettings.google.com/.

To opt out of the Trade Desk, visit: <https://preferences-mgr.trustarc.com/?type=tradedesk&pid=tradedesk01&aid=tradedesk01>

To opt out of AppNexus, visit: <https://ib.adnxs.com/optout>

To opt out of Simplifi, visit: <https://optout.simplifi.fi/opt-out>

To opt out of LiveRamp, visit: optout.liveramp.com/opt_out

To opt out of Oracle Data Cloud, visit: datacloudoptout.oracle.com/optout.

To opt out of Magnite, visit: magnite.com/legal/consumer-online-profile-opt-out/.

Visitors from outside of the United States

If you are visiting the Site from outside the United States, please be aware that information we obtain about you will be transferred to and processed in the United States. By using the Site and providing Your Data, you acknowledge that Your Data may be transferred to and processed in jurisdictions outside your own and

consent to the transfer and processing. Please be aware that the data protection laws and regulations that may apply to Your Data transferred to the United States or other countries may be different from the laws in your country of residence.

EPE makes no representation that materials on this Site are appropriate or available for use in all locations, and access to the Site from territories where the materials on the Site are illegal is prohibited. Those who choose to access the Site do so on their own initiative and are responsible for compliance with applicable laws in their respective jurisdictions.

Revisions to this Privacy Policy

This Privacy Policy is subject to change at our discretion. We will indicate changes to the Privacy Policy by updating the “Effective Date” at the beginning of the Privacy Policy. Your continued use of the Site after any update to this Privacy Policy will constitute your acceptance of our changes.

Contact

For questions please contact us at customercare@epelectric.com.