

# CUSTOMER PRIVACY NOTICE FOR INTERNET AND VOICE SERVICES

## 1. Introduction

Personal Network Computing, Inc. d/b/a Valley Internet (“Valley Internet”, “we”, “us” or “our”) is providing this Notice to inform you of our practices regarding personally identifiable information (“PII”) and customer proprietary network information (“CPNI”) that may be collected by us in the course of providing services to you over our broadband internet services (“Internet Service”) and broadband voice services (“VoIP Service”).

*Internet Services.* As a subscriber to Valley Internet’s Internet Service, we believe you are entitled know the following:

- the nature of personally identifiable information we collect;
- the nature of the use of personally identifiable information;
- under what conditions and circumstances we may disclose personally identifiable information and to whom;
- the period during which we maintain personally identifiable information; and
- the times and places at which you may have access to your personally identifiable information.

Personally identifiable information or “PII” is information that identifies a particular person; it does not include aggregate data that does not identify a particular person or persons.

*Voice / VoIP Services.* In addition, Section 702 of the federal Telecommunications Act of 1996, as amended, (the “Telecommunications Act”) provides additional privacy protections for certain information related to our phone services:

- information about the quantity, technical configuration, type, destination, location, and amount of your use of the phone services; and
- information contained on your telephone bill concerning the type of phone services and features you receive.

That phone information, when matched to your name, address, and telephone number is known as customer proprietary network information or “CPNI.” In an Order released by the Federal Communications Commission in April 2007, the Commission modified its rules regarding CPNI, and also determined that its rules (as modified) regarding CPNI will apply to VoIP services effective December 8, 2007. This notice, which includes our CPNI Policy,

describes what CPNI information we obtain, how we protect it, and how it may be used. If you are a customer of our VoIP services, you have the right, and Valley Internet has a duty, under the Telecommunications Act and applicable state law, to protect the confidentiality of CPNI. We also honor any restrictions applied by state law, to the extent applicable.

## **2. Collection of PII and CPNI**

*Information to which this Notice applies.* This Notice concerns personally identifiable information that you have furnished to Valley Internet, or that Valley Internet has collected in connection with the provision of Internet, VoIP or other services, as well as CPNI related to our VoIP Services. This Notice applies to our Internet Service and VoIP Service as provided for by applicable law and except as otherwise noted.

*Purposes for which Valley Internet may collect PII and CPNI.* Valley Internet collects personally identifiable information concerning any subscriber for the following purposes:

- to obtain information necessary to render our Internet Service or other services to our subscribers; and
- to detect unauthorized reception of internet communications.

We do not use the Internet Service to collect personally identifiable information concerning any subscriber for any purposes other than those listed above without the subscriber's prior written or electronic consent.

The Telecommunications Act authorizes us to use, disclose, or permit access to individually identifiable CPNI in our provision of:

- the telecommunications services from which this information is derived; or
- services necessary to, or used in, the provision of these services, including the publishing of directories.

The Telecommunications Act prohibits us from using CPNI for any purposes other than those listed above except as permitted or required by law or with your approval.

*Information collected by Valley Internet.* Valley Internet collects information from you at several different points when you initiate and use our services. Some of this information is personally identifiable information, but much of it is not. We collect certain personally identifiable information that our subscribers furnish to us in connection with the provision of Internet Service, VoIP Service, or other services. In order to provide reliable, high quality service to you, we keep regular business records containing information about you that may

constitute personally identifiable information. These records include some, but typically not all, of the following information:

- your name;
- service address;
- billing address;
- e-mail address;
- telephone number;
- driver's license number;
- social security number;
- bank account number;
- credit card number; and
- other similar account information.

With respect to VoIP services, examples of CPNI include information typically available from telephone-related details on your monthly bill, such as:

- location of service;
- technical configuration of service;
- type of service;
- quantity of service;
- amount of use of service; and
- calling patterns.

CPNI does not include your name, address, and telephone number, because the Telecommunications Act classifies that information as "subscriber list information" which is not subject to the protections applicable to CPNI. However, that information is also subject to certain protections as described elsewhere in this Notice.

We also collect and maintain certain other information about your account. For example, this information may include:

- billing, payment, and deposit history;
- additional service information;
- customer correspondence and communications records;
- maintenance and complaint information;
- records indicating the number of computers, set-top boxes, modems, or telephones connected to our system; and
- additional information about the service options you have chosen.

During the initial provisioning of our services, and during any subsequent changes or updates to our services, Valley Internet may collect technical information about your computer hardware and software, modems, telephones, televisions and/or other service-related devices, and customization settings and preferences. Additionally, if you rent your residence, we may have a record of whether landlord permission was required prior to installing our service facilities as well as your landlord's name and address.

### **3. Use of PII and CPNI**

Valley Internet collects, maintains, and uses PII and CPNI as permitted by the Telecommunications Act and other applicable laws. We use this information primarily to conduct business activities related to providing you with our Internet Service, VoIP Service and other services, and to help us detect theft of service. Generally speaking, we use personally identifiable information in connection with:

- billing and invoicing;
- administration;
- surveys;
- collection of fees and charges;
- marketing;
- service delivery and customization;
- maintenance and operations;
- technical support;

- hardware and software upgrades; and
- fraud prevention.

More specifically, we also use personally identifiable information to:

- install, configure, operate, provide, support, and maintain our Internet and VoIP and other services;
- confirm you are receiving the level(s) of service requested and are properly billed;
- identify you when changes are made to your account or services;
- make you aware of new products or services that may be of interest to you;
- understand the use of, and identify improvements to, our services;
- detect unauthorized reception, use, or abuse of our services;
- determine whether there are violations of any applicable policies and terms of service;
- manage the network supporting our services;
- configure service-related devices; and
- comply with the law.

The Telecommunications Act further permits Valley Internet to use, disclose, and permit access to CPNI obtained from our customers, either directly or indirectly, to:

- initiate, render, bill, and collect for telecommunications services;
- protect our rights and property, and protect our users of these services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, these services;
- provide any inbound telemarketing, referral, or administrative services to you for the duration of the call, if you initiated the call and you approve of the use of this information to provide these services; and
- to provide call location information concerning the user of a commercial mobile phone service.

With respect to VoIP services, unless we obtain your approval in accordance with our policies described below, Valley Internet may not use CPNI to market products and services to you other than the VoIP Services.

Valley Internet transmits, and may collect and store for a period of time, personally identifiable and non-personally identifiable information about you when you use our Internet Service and VoIP Service to:

- send and receive email, video mail, and instant messages;
- transfer and share files;
- make files accessible;
- visit websites;
- place or receive calls;
- leave and receive voice mail messages;
- use the applicable communications center or voice center;
- establish custom settings or preferences;
- communicate with us for support; or
- otherwise use the services and their features.

Our transmission, collection, and storage of this information is necessary to render the services. In certain situations, third-party service providers may transmit, collect, and store this information on our behalf to provide features of our services. These third parties are not permitted to use your personally identifiable information except for the purpose of providing these features.

We may also combine personally identifiable information, which we collect as described in this Notice as part of our regular business records, with personally identifiable information obtained from third parties for the purpose of creating an enhanced database or business records. We may use this database and these business records in marketing and other activities related to our Internet, VoIP and other services. We also maintain records of research concerning subscriber satisfaction and viewing habits, which are obtained from subscriber interviews and questionnaires.

#### **4. Disclosure of PII and CMPI**

*Circumstances under which Valley Internet may disclose PII.* Valley Internet considers the personally identifiable information contained in our business records to be **confidential**.

Valley Internet may disclose personally identifiable information concerning any subscriber if the disclosure is:

- necessary to render, or conduct a legitimate business activity related to, the Internet, VoIP or other services provided to the subscriber;
- required by law or legal process; or
- of the names and addresses of subscribers for “mailing list” or other purposes (subject to each subscriber’s right to prohibit or limit this disclosure and the CPNI Policy described below).

We do not disclose personally identifiable information concerning any subscriber for any purposes other than those listed above without the subscriber’s prior written or electronic consent.

*To whom Valley Internet may disclose PII.* We may disclose personally identifiable information it is necessary to render, or conduct a legitimate business activity related to, the Internet service or other services we provide to you. These kinds of disclosures typically involve billing and collections, administration, surveys, marketing, service delivery and customization, maintenance and operations, and fraud prevention, for example. We may also collect, use, and disclose information about you in non-personally identifiable or aggregate formats, such as ratings surveys and service usage and other statistical reports, which do not personally identify you, your particular viewing habits, or the nature of any transaction you have made over the internet. The frequency of any disclosure of personally identifiable information varies in accordance with our business needs and activities.

Valley Internet may also disclose limited personally identifiable information to others, such as charities, marketing organizations, or other businesses, for broadband and non-broadband “mailing list” or other purposes. From time to time we may disclose your name and address for these purposes. However, you have the right to prohibit or limit this kind of disclosure by contacting us by telephone at 1-707-422-1200 or by sending us a written request as described below under “Contact Valley Internet.” Any “mailing list” and related disclosures that we may make are limited to disclosures of subscriber names and addresses where the disclosures do not reveal, directly or indirectly, (i) the extent of any viewing or other use by the subscriber of a Internet Service or other service provided by us; or (ii) the nature of any transaction made by the subscriber over our Internet or VoIP systems.

We may sometimes disclose personally identifiable information about you to our affiliates or to others who work for us. We may also disclose personally identifiable information

about you to outside auditors, professional advisors, service providers and vendors, potential business merger, acquisition, or sale partners, and regulators. Typically, we make these disclosures when the disclosure is necessary to render, or conduct a legitimate business activity related to, the Internet Service, VoIP Service or other services we provide to you. We may be required by law or legal process to disclose certain personally identifiable information about you to lawyers and parties in connection with litigation and to law enforcement personnel.

If we enter into a merger, acquisition, or sale of all or a portion of our assets, subscribers' personally identifiable information will, in most instances, be one of the items transferred as part of the transaction.

We may also use or disclose personally identifiable information about you without your consent to protect our customers, employees, or property, in emergency situations, to enforce our rights under our terms of service and policies, in court or elsewhere, and as otherwise permitted by law.

*Disclosure of PII in connection with VoIP.* Valley Internet may disclose to others personally identifiable information in connection with features and services such as Caller ID, 911/E911, and directory services as follows:

- We may transmit your name and/or telephone number to be displayed on a Caller ID device unless you have elected to block such information. Please note that Caller ID blocking may not prevent the display of your name and/or telephone number when you dial certain business or emergency numbers, 911, 900 numbers, or toll-free 800, 888, 877, 866 or 855 numbers.
- We may provide your name, address, and telephone number to public safety authorities and their vendors for inclusion in E911 databases and records, inclusion in "reverse 911" systems, or to troubleshoot 911/E911 record errors.
- We may publish and distribute, or cause to be published and distributed, telephone directories in print, on the internet, and on disks. Those telephone directories may include subscriber names, addresses, and telephone numbers, without restriction to their use.
- We may also make subscriber names, addresses, and telephone numbers available, or cause such subscriber information to be made available, through directory assistance operators.



- We may provide subscribers' names, addresses, and telephone numbers to unaffiliated directory publishers and directory assistance providers for their use in creating directories and offering directory assistance services.

Once our subscribers' names, addresses, and telephone numbers appear in telephone directories or directory assistance, they may be sorted, packaged, repackaged and made available again in different formats by anyone.

We take reasonable precautions to ensure that non-published and unlisted numbers are not included in our telephone directories or directory assistance services, but we cannot guarantee that errors will never occur.

*Required disclosure of PII and CPNI by law.* We make every reasonable effort to protect subscriber privacy as described in this Notice. Nevertheless, we may be required by law to disclose personally identifiable information or individually identifiable CPNI about a subscriber. These disclosures may be made with or without the subscriber's consent, and with or without notice, in compliance with the terms of valid legal process such as a subpoena, court order, or search warrant.

Valley Internet may be required to disclose personally identifiable information to a third-party or governmental entity in response to a court order. If the court order is sought by a non-governmental entity, we will notify the subscriber of the court order. We may be required to disclose personally identifiable information and individually identifiable CPNI about subscribers to a government entity in response to a subpoena, court order, or search warrant, for example. We are usually prohibited from notifying the subscriber of any disclosure of personally identifiable information to a government entity by the terms of the subpoena, court order, or search warrant.

*Protection of PII.* We follow industry-standard practices to take such actions as are necessary to prevent unauthorized access to personally identifiable information by a person other than the subscriber or us. However, we cannot guarantee that these practices will prevent every unauthorized attempt to access, use, or disclose personally identifiable information.

*Retention of PII by Valley Internet.* Valley Internet maintains PII about you in our regular business records while you are a subscriber to our Internet, VoIP and other services. We also maintain this information for a period of time after you are no longer a subscriber if the information is necessary for the purposes for which it was collected or to satisfy legal requirements. These purposes typically include business, legal, or tax purposes. If these purposes no longer apply, we will destroy the information according to our internal policies and procedures.

## 5. Customer Access and Choice

*Examining your PII.* You may examine and correct, if necessary, the personally identifiable information regarding you that is collected and maintained by Valley Internet in our regular business records. In most cases, the personally identifiable information contained in these records consists solely of billing and account information. We will correct our records if you make a reasonable showing that any of the personally identifiable information we have collected about you is inaccurate.

You may examine the records containing your personally identifiable information at Valley Internet's office upon reasonable prior notice to us and during our regular business hours. If you wish to examine these records, please contact us by mail or telephone at 707-422-1200, giving us a reasonable period of time to locate and, if necessary, prepare the information for review, and to arrange an appointment. You will only be permitted to examine records that contain personally identifiable information about your account and no other account.

If you make an affirmative, written request for a copy of your CPNI, we will disclose the relevant information we have to you at your account address of record, or to any person authorized by you, if we reasonably believe the request is valid. However, subscribers to our VoIP services should be aware that we generally do not provide them with records of any inbound or outbound calls or other records that we don't furnish in the ordinary course of business (for example, as part of a bill) or which are available only from our archives, without valid legal process such as a court order. In addition, we cannot correct any errors in customer names, addresses, or telephone numbers appearing in, or omitted from, our or our vendors' directory lists until the next available publication of those directory lists. Further, we may have no control over information appearing in the directory lists or directory assistance services of directory publishers or directory assistance providers which are not owned by us or our subsidiaries.

Valley Internet reserves the right to charge you for the cost of retrieving and photocopying any documents that you request.

*Giving or withholding approval for Valley Internet to use of CPNI to market products and services.* From time to time we may like to use the CPNI information we have on file to provide you with information about our communications-related products and services or special promotions. Our use of CPNI may also enhance our ability to offer products and services tailored to your specific needs. In addition, Valley Internet may offer various other services that are not related to the services to which you subscribe. Under the CPNI rules, some of those services, are considered to be non-communications related products and services. Therefore, you

may be asked during a telephone call with one of our representatives for your oral consent to our use of your CPNI for the purpose of providing you with an offer for communications related or non-communications related products and services. If you provide your oral consent for Valley Internet to do so, we may use your CPNI only for the duration of that telephone call in order to offer you additional services.

If you deny or restrict your approval for us to use your CPNI, you will suffer no effect, now or in the future, on how we provide any services to which you subscribe. Any denial or restriction of your approval remains valid until your services are discontinued or you affirmatively revoke or limit such approval or denial.

*Changes to Privacy Notice.* Valley Internet will we will provide you with a copy of this customer privacy notice at the time we enter into an agreement to provide any Internet, VoIP or other service to you, and annually afterwards, or as otherwise permitted by law. You can view the most current version of this notice by going to [www.valleyinternet.com](http://www.valleyinternet.com), searching for “privacy policy,” and selecting the appropriate link.

We may modify this notice at any time. We will notify you of any material changes through written, electronic, or other means and as otherwise permitted by law. If you find the changes to this notice unacceptable, you have the right to cancel your service. If you continue to use the service following notice of the changes, we will consider that to be your acceptance of and consent to the changes in the revised privacy notice. This includes your consent for any personally identifiable information that we may collect and use starting on the effective date of the revised notice, as well as for any personally identifiable information that we have collected prior to the effective date of the revised notice.

*Contact Valley Internet.* If you have any questions regarding this Notice, or wish to contact us about your personal information, please reach us as follows:

Phone: 707-422-1200  
Website: [www.valleyinternet.com](http://www.valleyinternet.com)  
Mail: 4160 Suisun Valley Road, Suite E  
Fairfield, CA 94534