

## ARQ, INC.

# CALIFORNIA SUPPLEMENTAL PRIVACY NOTICE

Effective: May 31, 2022

Last updated: February 1, 2024

This California Supplemental Privacy Notice (the “Notice”) supplements the information contained in the [Privacy Policy](#) of Arq, Inc. and its subsidiaries and other Affiliates (“ARQ”, “Company” or “we” “us” and “our”) and further explains the rights that California residents may have under the California Consumer Privacy Act of 2018 (“CCPA”), as amended by the California Privacy Rights Act of 2020 (“CPRA”) (collectively “CCPA/CPRA”).

This Notice applies solely to visitors, users, and others who reside in the State of California (“you” “your”).

### Definitions

All capitalized terms herein have the same meaning used in the [Privacy Policy](#) unless specifically defined herein.

- **“Business Purposes”**, as defined by the CCPA/CPRA, includes the following:
- **“Audit”** means auditing compliance with the Terms of Use, this Notice, the Privacy Policy and applicable law. It also means auditing current interaction with a User and concurrent interactions with others, such as auditing access to particular content or features.
- **“Debugging”** means identifying and repairing errors that impair existing intended functionality.
- **“Evaluation”** means undertaking internal research to assess the effectiveness of this site and its services and for technological development and demonstration.
- **“Maintenance and Improvement”** means undertaking activities to verify or maintain the quality or safety of this site and to improve, upgrade or enhance it.
- **“Provide Services”** means delivering and providing the services delivered through this site (Services), including, but not limited to, providing educational content, maintaining accounts, providing customer service, fulfilling orders and verifying customer information.
- **“Security”** means detecting security incidents, protecting against malicious, deceptive, fraudulent or illegal activity and taking appropriate action for those responsible for that activity.
- **“Short-Term Use”** means short-term, transient use related to a current interaction with a California resident, such as the contextual customization of information shown as part of the same interaction. In Short-Term Use, the Personal Information is not disclosed to another third-party and is not used to build a profile about an individual or otherwise alter an individual’s experience outside the current interaction.

- **“Personal Information”** means information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular California resident or their household. Under the CCPA/CPRA, Personal Information does not include:
  1. Publicly available information from government records
  2. Deidentified or aggregated consumer information
  3. Information excluded from the CCPA/CPRA's scope, such as:
    - (i) Health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA) or clinical trial data; or
    - (ii) Personal information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FRCA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA), and the Driver's Privacy Protection Act of 1994.
  
- **“Sensitive Personal Information”** is a subset of Personal Information that includes information listed below under “Information We Collect - Category L”.
  
- **“Share(s)” or “Sharing”** as used herein refers to the definition contained in the CPRA which is limited to communicating a consumer’s Personal Information to a third party (excluding our Service Providers or contractors) for cross-context behavioral advertising.

**Information We Collect**

The following is a list of categories of Personal Information which we may collect or may have been collected (or third parties may have collected on our behalf), from California residents within the last twelve (12) months. Note that some Personal Information included in a category may overlap with other categories.

Category	Examples as defined in the CCPA/CPRA	Collected?
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military	YES (only if voluntarily provided in an employment application)

	status, genetic information (including familial genetic information).	
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	NO
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	NO
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	NO
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	NO
I. Professional or employment-related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	NO
K. Inferences drawn from other Personal Information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	NO
L. Sensitive Personal Information	Social security numbers, driver's license, state identification card, or passport number; user name, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account; precise geolocation; racial or ethnic origin; religious or philosophical beliefs; union membership; genetic data; contents of consumer's mail, email, and text messages unless the Company is the intended recipient of the communication; processing of biometric information for the purpose of uniquely identifying a consumer; and personal information collected and analyzed concerning a consumer's health, sex life, or sexual orientation.	YES (only collected from employees of Company or if voluntarily provided in an employment application)

Please note that the categories and examples provided in the list above are those defined in the CCPA/CPRA. This does not mean that all examples of that category of Personal Information were in fact collected by us but reflects our good faith belief to the best of our knowledge that some of that information from the applicable category may be, and may have been, collected. For example, certain categories of Personal Information would only be collected if you provided such Personal Information directly to us or applied for a job through our career portal.

### Sources of Personal Information

As more fully described in the [Privacy Policy](#), we obtain the categories of Personal Information listed above from the following categories of sources:

- Directly from you. For example, when you sign up for email alerts on our Sites.
- Indirectly from you. For example, from observing your activity and collecting certain Usage Data from the use of our Sites.
- Automatically from you. For example, through cookies we or our Service Providers set on your Device as you use the Sites.
- From Service Providers. For example, third-party vendors who monitor and analyze the use of Sites, or that we use to host the Sites.

### **We do not Sell or Share Personal Information**

Under the CCPA/CPRA, a business that sells or Shares California residents' Personal Information to others: 1) must give notice to California residents before selling or Sharing their Personal Information to others; and 2) must provide the right to opt out of the sale or Share of their Personal Information.

The Company *does not* sell or Share Personal Information (as those terms are defined in the CCPA/CPRA and CPRA), including Personal Information of anyone under 16 years old, and in the preceding 12 months **has not sold, or Shared** any of the categories of Personal Information to third parties as defined by the CPRA. Thus, these notification and opt-out requirements do not apply to the Company.

### **Disclosing Personal Information for Business Purposes**

Under the CCPA/CPRA, we may disclose your Personal Information for a Business Purpose. As more fully described in the [Privacy Policy](#), we only make these Business Purpose disclosures under agreements that require the recipient to keep the Personal Information confidential and prohibit using the disclosed information for any purpose except the Business Purpose.

In the preceding twelve (12) months, we may have disclosed the following categories of Personal Information for a Business Purpose:

Category A: Identifiers.

Category B: California Customer Records Personal Information categories.

Category F: Internet or network activity.

Category I: Professional or employment-related information.

Category L: Sensitive Personal Information.

In the preceding 12 months, we may have disclosed the above categories of your Personal Information for a Business Purpose to the following categories of individuals or entities:

- Our Affiliates
- Service Providers
- Third parties to whom you or your agents authorize us to disclose your Personal Information in connection with products or services we provide to you.

We will not collect additional categories of Personal Information or use the Personal Information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

## **Rights Relating to your Personal Information**

In addition to the rights granted under our [Privacy Policy](#), the CCPA/CPRA provides California residents specific rights regarding their Personal Information. This section describes your CCPA/CPRA rights and explains how to exercise those rights. Please note that these rights are not absolute and in certain cases are subject to exceptions, conditions or limitations as specified in the CCPA/CPRA. If you are a California resident, you may have one or more of the following rights:

### **1. Right to Know and Data Portability**

You have the right to request that we disclose certain information to you about our collection and use of your Personal Information over the past 12 months (the "right to know"). You may request that we disclose to you:

- The categories of Personal Information we collected about you.
- The categories of sources for the Personal Information we collected about you.
- Our business or commercial purpose for collecting, Sharing or selling that Personal Information.
- The categories of third parties with whom we share that Personal Information.
- The categories of information that we sell or disclose to third parties.
- The specific pieces of Personal Information we collected about you (also called a data portability request).

### **2. Right to Delete**

You have the right to request that we (or our Service Providers) delete any of your Personal Information that we collected from you and retained, subject to certain exceptions (the "right to delete"). Once we receive your request and confirm your identity, we will review your request to see if an exception allowing us to retain the information applies. By way of example only, some common exceptions may include:

- If the information is exempt from the CCPA/CPRA, including publicly available information.
- Our inability to verify your request.
- To complete a transaction for which we collected the Personal Information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, or otherwise perform our contract with you.
- To detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- To debug products to identify and repair errors that impair existing intended functionality.
- For certain internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- To comply with a legal obligation, exercise legal claims or rights or defend legal claims.
- To make other internal and lawful uses of that information that are compatible with the context in which you provided it.

When properly requested by you, we will delete or deidentify Personal Information not subject to a legal exception from our records and will direct our Service Providers to take similar action.

### **3. Right to Correct.**

You have the right to request that we correct inaccurate Personal Information we have about you, subject to certain exceptions (the "right to correct"). Once we receive your request and confirm your identity, we will review your request to see if an exception exists to your right to correct. By way of example, common exceptions may include:

- We can't verify your identity to complete your request.
- The request is manifestly unfounded or excessive.
- The information is publicly available information or other information exempt from the CCPA/CPRA.

### **4. Right to Limit**

You have the right to request that we limit the Sensitive Personal Information we have about you for limited purposes ("right to limit").

### **5. Right to Non-Discrimination**

We will not discriminate against you for exercising any of your CCPA/CPRA rights. Unless permitted by the CCPA/CPRA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

### **6. Exercising Your Rights to Know, Delete, Correct or Limit**

To exercise your rights to know, delete, correct or limit described above, please submit a verifiable request by either:

- Calling us toll-free at 888-843-8416, Option #1
- Emailing us at [privacy@arq.com](mailto:privacy@arq.com)

*You may only submit a request to know twice within a 12-month period.*

In order to respond to a request, we must be able to reasonably verify, understand and fulfill the request. We will not be able to respond to the request if we are unable to verify your identity or the authority to make the request. Only you, or someone legally authorized to act on your behalf, may make a request to know or delete related to your Personal Information. To use an authorized agent, you must provide the agent with written authorization.

If you use an authorized agent to submit a request, we may require that you provide us additional information demonstrating that the agent is acting on your behalf.

In responding to requests, we may limit the information provided for privacy and security reasons, as permitted by law.

We will confirm receipt of your request within ten (10) business days. If you do not receive confirmation within the 10-day timeframe, please contact us at [ContactUs@arq.com](mailto:ContactUs@arq.com).

We endeavor to substantively respond to a verifiable consumer request to know, delete or correct within forty-five (45) days of its receipt. If we require more time (another forty-five (45) days) we will inform you of the reason and extension period in writing.

We will deliver our written response to you by mail or electronically, depending on the information or preference that you have provided us in your request.

Any disclosures we provide will only cover the 12-month period preceding our receipt of your request. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your Personal Information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

IMPORTANT: These rights are not guaranteed and there are several exceptions where we may not have an obligation to fulfill your request. We are only required to honor these rights to the extent that the requested rights have been granted and apply to you under the CCPA/CPRA. Please consult the CCPA/CPRA to determine what rights may be available to you and when access to these rights is limited.

### **Changes to this Policy**

We reserve the right, at our sole discretion, to change, modify or otherwise alter our Sites, any content and functionality, and this Notice at any time without notice to you. Such changes shall become effective immediately upon posting. When we make material changes to this Notice, we will post the changes on this page and update the latest effective date at the top of the Notice. If you are a California resident, you are responsible for periodically reviewing this Notice and our [Privacy Policy](#) to become aware of the most recent disclosures and terms. Your continued use of the Sites after such posting, constitutes acceptance of this and any revised Notice.

### **Contact Information**

If you have any questions or comments about this Notice, the ways in which we collect and use your Personal Information, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Arq, Inc.  
Attn: IT Director  
8051 E. Maplewood Avenue, Suite 210  
Greenwood Village, Colorado 80111  
[ContactUs@arq.com](mailto:ContactUs@arq.com) and/or [ITServices@arq.com](mailto:ITServices@arq.com)

If you need to access this Notice in an alternative format due to having a disability, please contact [ContactUs@arq.com](mailto:ContactUs@arq.com) or call us at 888-843-8416, Option #1.

To read more about ARQ's general privacy practices that apply to the Personal Information we collect, use and share, please visit the Company's [Privacy Policy](#).