



**INCLUSIVE**  
PROSPERITY CAPITAL™

## **INCLUSIVE CONSULTING SERVICES, LLC** **PRIVACY NOTICE**

**Last Revised: September 12, 2023**

### **This Privacy Notice Describes:**

- the information that Inclusive Consulting Services, LLC (“**we**”) collect from users (defined below) in any form, including when a user interacts with the web-based NGEN platform (the “**Platform**”);
- how we collect, use and disclose the information that we receive, including sharing that information with third parties; and
- how we store and secure information.

### **How to Contact Us**

If you have any questions, concerns or complaints about our Privacy Notice or our data collection or processing practices, or if you want to report any suspected security violations to us, please contact us at the following address or email address:

Inclusive Consulting Services, LLC  
ATTN: NGEN Support  
75 Charter Oak Avenue, Suite 1-103  
Hartford, CT 06106  
smarte@inclusiveteam.org  
(860) 758-2207

### **Services We Provide**

We are the exclusive licensor of the NGEN platform, which is used by program sponsors, lenders, contractors and each of their respective staff (each a “**user**”, together the “**users**”) (collectively, the “**Services**”). The NGEN platform assists users with administering loans for green energy improvements. Each program sponsor that licenses the Platform, licenses a closed system version of the Platform. This means that users can only see the data related to their user level and the Platform is not consumer-facing.

Please note: this Privacy Notice does not govern a program sponsor's use of any information contained on the Platform.

## **Information We Collect**

*Information Users Provide to Us.* We will collect data from users that users voluntarily provide to us.

- a. Onboarding Information. We collect information users provide to us on the Platform. We will collect a user's name, email address, company name, business telephone number, user name, and user password. We also collect specific information relevant to each user type. For example, we collect a contractor's insurance information and license number.
- b. Contact Us/Support. If a user provides us with feedback, contacts us via e-mail, or contacts us for support services, we will collect the user's name and e-mail address, as well as any other content included in the e-mail, in order to send the user a reply.
- c. User Communications. Users can communicate with one another through our services. We collect and store each message along with the user who created it.

*Information Collected via Technology.*

- a. Automatically Collected. When a user interacts with the Platform and the Services, we may automatically collect certain technical information about the user's equipment, browsing actions and patterns. That information may include Internet Protocol ("IP") address (a number that is automatically assigned to a user's computer when using the Internet, which may vary from session to session), domain name, browser type, Internet service provider ("ISP"), mobile device information, referring/exit pages, operating system, date/time stamp, and clickstream data. We use this information to analyze trends, administer the Platform, track users' movements around the Platform, gather demographic information about our user base as a whole, and better tailor our Services to our users' needs. For example, some of the information may be collected so that when a user visits the Platform or uses the Services again, it will recognize the user.
- b. Cookies. Like many online services, we use cookies and similar technologies to collect information about a user's visit to the Platform. "Cookies" are small pieces of information that a website sends to a user's computer's hard drive while a user is viewing the Platform. We use Cookies and similar technologies to make the Platform more useful to

our users and to tailor the experience with us to meet each user's needs. We do not use cookies for advertising, remarketing or sharing data with any third party.

- c. Server Logs. Our server logs store the access date and pages a user views, but we do not store a user's IP address.
- d. Error Monitoring. Our error monitoring service tracks our application's errors/crashes automatically. This service will record the user's e-mail address, the page viewed when the error occurred, and the date/time the error occurred. This way we can work to fix the errors on a going forward basis.

*Information Collected From Users.* Some users that use the Services will input information into the Platform about the homeowner or customer they are providing services, the relevant loans, projects, and project contractors.

- a. Project Information. Users using the Platform will also input information into the Platform regarding clean energy project types, the scope of work, energy savings information, cost information and other information relevant to the particular project, including related project documentation and forms.
- b. Homeowner Information. We collect homeowner name, address, email, phone number, and secondary addresses.
- c. Loan Information. Lenders provide us with information including approval status, loan amount, payment amount, rate, current balance, application number, loan number, term delinquency data, charge-offs, application date, closing data, and disbursement dates.
- d. Borrower Financial Information. Lenders provide us with information such as credit scores, debt to income ratio, FICO score, and income.
- e. Contractor Information. We may collect information related to relevant contractors, such as license number, insurance information, BBB and other professional data, name, and address.
- f. Project-related Information. Contractors or others may provide information on projects including permits, inspection reports, plans, equipment information, information on other loans related to the project, and energy audits.

## **Links to Third Party Websites**

The Platform may contain links to third-party websites and services (*e.g.* a website for payment purposes) and some of those third-party websites may be co-branded with the NGEN logo and the program sponsor logo (the “Third Party Services”). We do not control (and are not responsible for) third party content or privacy practices. Any personal data a user provides to such Third Party Services is not covered by this Privacy Notice. We encourage users to review carefully the legal and privacy notices of all other digital services that users visit.

## **How We Use and Share Users’ Information**

We use users’ information only for purposes of providing the Services described above. We do not sell users’ information to anyone without a user’s consent. Specifically, we will use or share a user’s information as detailed below. However, please note that we do not control whether any of the program sponsors who use the Platform will use data that it maintains in the platform for marketing or advertising purposes.

With a user’s consent. We may share a user’s information with third parties if a user has provided us with the consent to do so.

To provide users with the services. Through the use of appropriate access controls, users have access to the information on the Platform that is appropriate to his/her user identity.

To communicate with users. We use a user’s data to send the user information about the Services, to respond to the user when a user contacts us for support services, to verify a user’s account, or for other communication reasons, as needed.

With third party service providers performing services on our behalf. We may share information with our third-party service providers to perform the functions for which we engage them. We may share information as needed to operate other related services. For example, we may share information about a user with the platform developer, who assists with the NGEN platform, with third parties who assist us with our error monitoring, and with our cloud servers and third-party storage providers.

To improve and personalize the Services. We use the information we collect to improve and personalize the Services. This way, a user only sees data related to that specific user or business account. Authenticated users of the application will see their username in the top navigation bar to show that they are currently logged in.

To create anonymous data. We may remove all identifying information from a user’s data to create anonymous data and aggregate that data with other anonymous data. We may disclose and sell this aggregated, anonymous information without restriction.

With advertisers. We do not share or sell a user’s information for advertising purposes.

For data aggregation. We may use reports or export aggregated data from the Services to analyze for our own purposes.

For corporate transactions. We may share some or all of a user's information in connection with or during negotiation of any merger, financing, acquisition or dissolution transaction or proceeding involving sale, transfer, divestiture, or disclosure of all or a portion of our business or assets. In the event of an insolvency, bankruptcy, or receivership, we may transfer a user's information as a business asset. If another company acquires our company, business, or assets, that company will possess the information we collected and will assume the rights and obligations regarding a user's information as described in this Privacy Notice.

To investigate suspicious activity. We may use a user's company name, name, email, phone number or other information tied to a user account in order to investigate any suspicious activity associated with such account.

For legal purposes. We may preserve or disclose information about a user to comply with a law, regulation, legal process, or governmental request; to assert legal rights or defend against legal claims; or to prevent, detect, or investigate illegal activity, fraud, abuse, violations of our terms, or threats to the security of the Services or the physical safety of any person.

## **Legal Basis for Processing Users' Information**

We will only use a user's personal data when the law allows us to. Most commonly, we will use a user's personal data in the following circumstances:

- Where it is necessary for us to provide Services to a user, our legal basis for processing the user's information is our legitimate interests (or those of a third party) so long as the user's interests and fundamental rights do not override our interests;
- Where we need to perform the contract we are about to enter into or have entered into with a user;
- Where we need to comply with a legal or regulatory obligation; or
- When we have a user's clear and unambiguous consent.

## **A User's Options Regarding Such User's Information**

### Opt-Out

We may periodically send our users free newsletters and e-mails to the e-mail address that users provided to us that directly promote the use of the Platform or Services. A user may indicate a preference to stop receiving further communications from us and a user will have the opportunity to "opt-out" by following the unsubscribe instructions provided in the e-mail the user receives or by contacting us at [NGENsupport@inclusiveteam.org](mailto:NGENsupport@inclusiveteam.org) and requesting to be removed from future communications. Despite a user's indicated e-mail preferences, we may send a user service-related communications, including notices of any updates to our Privacy Notice.

## Cookies

If a user decides at any time that he/she no longer wishes to accept Cookies from our Services for any of the purposes described above, the user may be able to change the user's browser settings so that it stops accepting Cookies, or to prompt the user before accepting a Cookie from the websites the user visits. Users should consult their browser's technical information for additional information. If a user does not accept Cookies, however, such user may not be able to use all portions of the Services or have all functionality of the Services.

## Changing/Deleting a User's Information

Our services collect critical information to keep track of information required to review, approve and fulfill green energy improvements on behalf of homeowners, contractors and lenders. This information is stored for historical record keeping and government reporting.

## ***Your California and Other State Privacy Rights***

Please note: These rights likely do not apply to information on our Platform collected from customers of a financial institution, e.g., individual borrowers. That information is governed by federal privacy laws. For more information, please contact your lender.

Where applicable residents of California or, where and when applicable, Connecticut, Colorado, Utah, or Virginia, may have the following rights with respect to your personal information.

- The right to know what categories or specific personal information we have collected, used, disclosed, and sold about you. To submit a request to know, you may contact us as described above under How to Contact Us. You also may designate an authorized agent to make a request for access on your behalf.
- The right to request that we correct inaccurate personal information that we maintain about you. To submit a request for correction, you may contact us as described above under How to Contact Us. You may also designate an authorized agent to make a request for correction on your behalf.
- The right to request that we delete any personal information we have collected about you. To submit a request for deletion, you may contact us as described above under How to Contact Us. You also may designate an authorized agent to make a request for deletion on your behalf.
- You have the right to opt-out of the sale of your personal information or the sharing of your personal information for cross-context advertising—however, NGEN does not sell or share your personal information (and has not done so

for the 12-month period prior to the effective date of the Privacy Policy) as we understand the requirements of applicable law.

When you exercise these rights and submit a request to us, we will verify your identity by asking you to log in to your account if you have one with us. If you do not have an account with us, we may ask for information such as your email address, order numbers of your previous orders, the last four digits of a credit or debit card or a bank account number used to make a purchase, or the date of your last purchase. We also may use a third-party verification provider to verify your identity.

You have the right to appeal any decision or action that we take related to the above-described privacy rights. If you believe that NGEN has failed to take appropriate action in response to your privacy rights request or you believe that we have denied your request improperly, you may appeal by contacting us as described above under How to Contact Us.

Your exercise of these rights will have no adverse effect on the price and quality of our goods or services.

If you are a California resident, you may request information about our disclosure of personal information to third parties or affiliated companies for their direct marketing purposes. To make such request, please contact us as set forth in the "Contact Us" section below. Please allow up to 30 days for us to process your request. You may submit such a request once (1) per year.

### ***Data Retention***

We retain the personal information we collect for as long as needed to provide and improve the Services and for government record keeping purposes. We will retain and use this personal information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements with users, and/or the period required by laws in applicable jurisdictions.

### ***Information Security***

We use a combination of technical, administrative, and physical controls to maintain the security of users' data. If a user has a security-related concern, please contact us. Users should always be sure to secure their login credentials for on-line access to the Platform. In order to protect our users and the information on the Platform, we may suspend a user's use of any of the Services, without notice, pending an investigation, if we suspect any breach of security.

### ***Children's Privacy***

The Platform is not intended for use by children. Children under thirteen (13) should not send any information about themselves to us. We do not collect personally identifiable data from any person that we know to be under the age of thirteen (13). If we learn that a child under thirteen (13) has submitted information to us through any part of the Platform, we will attempt to delete this information as soon as practical.

## **Changes to this Privacy Notice**

We reserve the right to amend this Privacy Notice at our discretion and at any time. When we make changes to this Privacy Notice, we will post the updated notice on the Platform and update the notice's effective date. Users are responsible for periodically visiting the Services to check for updates to the Privacy Notice. A user's continued use of the Platform following the posting of changes constitutes such user's acceptance of the changes.