

# PRIVACY STATEMENT

*This Privacy Statement was last updated July 1, 2020. You can view previous versions in our [Archive of Previous Privacy Statements](#).*

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## **1. SCOPE OF PRIVACY STATEMENT**

This Privacy Statement (“Privacy Statement”) describes how Auction.com, LLC, and its affiliates and subsidiaries (collectively, “we,” “us,” “our,” “Auction.com” or the “Company”) handle your personal information in connection with the following (collectively, the “Services”):

- the Company’s websites (including [www.auction.com](http://www.auction.com) and any other website where this Privacy Statement is posted),
- the Company’s live auction events, and
- Auction.com tools, documents, emails, and applications (including mobile applications), and other services.

By using the Services, you expressly consent to the collection, storage, use and disclosure of your personal information as described in this Privacy Statement.

## **2. COMMITMENT TO PRIVACY**

The Company has a strong commitment to providing information tailored to your individual needs while providing excellent service to all of our visitors and customers, including respecting concerns about privacy. We understand that you may have questions about whether and how we collect and use information. This Privacy Statement details the steps we take to respect your privacy concerns. If, after reviewing this Privacy Statement, you have any questions or privacy concerns, please send an email to [privacy@auction.com](mailto:privacy@auction.com)

## **3. COLLECTION OF YOUR INFORMATION**

Personal Information. You may provide us with personal information in a variety of circumstances, e.g., by creating an account through the Services (“Auction.com Account”), updating your Auction.com Account profile, registering for or participating in a marketing or transaction event, submitting an employment application, completing online forms, or entering into a transaction with us. This information may include, without limitation, information such as your first and last name, e-mail address, mailing address, telephone number, username, password, billing information, financial information and other information exchanged in connection with real estate transactions and related financing transactions. In some cases, this information includes government-issued identification documents or related data (such as a driver license number). We also may acquire personal information from other sources such as offline records, publicly available information, or from third parties. We use personal information to provide the Services and as discussed in this Privacy Statement.

Automatically Collected Information. We may automatically collect information about the computer or devices (including mobile devices) you use to access the Services. For example, we may collect and store information such as your browser type, IP address, language, operating system, location of your wireless device (e.g., latitude and longitude), the state or country from which you accessed the Services, unique device identifier (e.g., a UDID or an IDFA on Apple devices like the iPhone, iPad or iTouch, or the Android Ad ID), the pages you view, the Services you use, the date and time of your visit, the websites you visited immediately before and after visiting our websites, error logs, and other hardware and software information. You may be able to disable our ability to collect some of this information – consult the instructions for your particular device. We may use third party analytics providers and technologies, including cookies and similar tools, to assist in collecting this information. We may use this information to formulate statistical models about use of the Services, enhance the Services for our users, and provide you with tailored content and advertising. In addition, we may combine the information collected by us with information from third parties that may be identifiable to you. We may use this combined information to enhance or market the Services or for other purposes described in this Statement.

Auction.com Account. Certain information specified in the preceding paragraph (such as what content you access, view, click on or search for on the Services, the devices from which you access such content and the length of time for which you view such content) may be associated with your Auction.com Account. Auction.com may use the account details from your Auction.com Account across all the Services that Auction.com offers. Related information may be used as permitted by this Privacy Statement.

Our Use of Cookies. The Services use “cookie” technology and similar online tools, such as web beacons and web pixels. “Cookies” are small files that a website stores on a user’s computer or device. The Services use cookies for various purposes, including to keep the information you enter on multiple pages together. Some of cookies we use are “session” cookies, meaning that they are automatically deleted from your hard drive after you close your browser at the end of your session. Session cookies are used to optimize performance of the Services and to limit the amount of redundant data that is downloaded during a single session. We also use “persistent” cookies, which remain on your computer or device unless deleted by you (or by your browser settings). We use persistent cookies for various purposes, such as statistical analysis of performance to ensure the ongoing quality of our services. We and third parties also use session and persistent cookies for analytics and advertising purposes, as described below. Most web browsers automatically accept cookies, but you may set your browser to block certain cookies (consult the instructions for your particular browser on how to do this). Please note that if you decide to block cookies, this may interfere with your ability to perform certain transactions, use certain functionality, and access certain content on the Services.

Google Analytics. The Company websites may use Google Analytics, a vendor’s service that uses cookies, web beacons, web pixels and/or similar web and mobile app technology to collect and store information about your browser’s or device’s activity, which may include the sorts of information described above. Google also allows you to install a [Google Analytics Opt-out Browser Add-on](#) for each web browser you use to limit their browser-based activities.

Adobe Analytics. The Company websites may use Adobe’s analytics and on-site personalization services, which use cookies, web beacons, web pixels and/or similar technology to collect and store information about you or your device or browser, which may include the sorts of information described above. You can learn more about how Adobe may handle information collected through our use of its services, and your options for controlling this activity, by visiting [Adobe’s website](#).

User-Initiated Communication. From time to time, portions of the Services may enable you to send emails and other types of messages to us or to third parties and to participate in bulletin boards and discussion groups. We have the right to use reproduce, modify, adapt, publish, translate, create derivative works from, distribute, copy, and display all such emails, messages,

postings to bulletin boards and discussion groups throughout the world in any form, pursuant to the Website Terms of Use. Among other things, this right allows us to review your messages with other users to enforce our Terms of Use. Whenever you choose to initiate these kinds of communication with us, or anyone else, you may be contacted in return. Such communications you send, when viewed by others, may be identified by your actual name and/or your username. Also, remember that our bulletin boards and discussion groups are open to the public, and, therefore, your postings can be seen by anyone, may be indexable by search engines, and are not protected by us or any other entity. Please use your discretion when deciding whether and what to post and whom to contact and message. We reserve the right, in our sole discretion, to monitor, edit or delete postings from our bulletin boards and discussion groups. This reservation of rights shall not under any circumstances obligate us to conduct such edits or deletions, nor shall it cause us to be liable for any such edits or deletions.

The Services may also contain plugins for other websites, such as Facebook, Twitter, YouTube, LinkedIn and Google+. We recommend reviewing the privacy policies with respect to the social plugins for each of these websites, prior to clicking on such plugins.

Telephone, Chat and Video Conferencing Conversations. We may record the conversations our agents or employees have with you, including without limitation telephone conversations. By engaging in any telephone, chat or video conversation with our agents or employees, you consent to our recording and storing such conversation. We do this from time to time to monitor the quality of service and accuracy of information our agents and employees give to you, to ensure that your instructions are followed, and to ensure compliance with the Terms of Use and applicable law. No agent or employee of the Company is authorized to waive this or any other provisions of our Company policies and procedures.

#### **4. USE OF YOUR INFORMATION**

We will use your information for the purpose for which you provided it or for which we collected it, and for other appropriate purposes. For example, we may use your information to:

- Create and maintain your Auction.com Account and account profile, registration information and communication preferences;
- Enhance the user experience;
- Perform research and analytics;
- Customize, personalize and deliver the content and advertising that you see on the Services and elsewhere;
- Respond to and fulfill your requests for Services (including qualification to make bids or offers) or other inquiries;

- Determine your eligibility for certain marketing or transaction events, services, gifts, prizes, and special features of the Services;
- Call, email or otherwise contact you:
  - to facilitate marketing or transaction events for which you are registered;
  - regarding new opportunities relating to marketing or transaction events or our other Services;
  - to send you information about topics that may be of interest to you;
  - to communicate in relation to your Auction.com Account;
  - to alert you to the latest developments and features of the Services; and
  - for other marketing, transactional, informational or research purposes.
- Administer, register or enroll you in, or facilitate your participation in recreational, educational or entertainment activities; surveys or questionnaires; promotions or sweepstakes, or any other services, events or activities sponsored by us or third parties, or offered in connection with our Services;
- Send you prizes and gifts;
- Enforce our Terms of Use and other contractual rights;
- Protect our rights and property and the rights and property of others; and
- Comply with law

## **5. TAILORED ADVERTISING**

The Services may include third party tailored ad technology which enables customized and targeted ads to be displayed to you through the Services and on third party websites, apps and services. When you use the Services, we or third parties operating ad technology may use information that is collected through cookies, identifiers such as an IDFA on iOS devices or Android Advertising IDs, web beacons, pixels, or clear GIFs to ensure that appropriate ads are presented and to perform analytics concerning your use of the Services and other websites, apps and services tracked by these third parties. These technologies also may help control the number of times you see a given ad, deliver ads that relate to your interests, and measure the effectiveness of ad campaigns. To the extent any of this information is collected by third parties, you acknowledge and agree that such collection and use is governed by those third parties' privacy policies and we are not responsible for the privacy practices of such third parties.

If you are interested in more information about tailored ads and your choices to prevent certain third parties from delivering tailored ads, you may visit the following third party websites: the [Network Advertising Initiative Consumer Opt-Out Page](#) or the [Digital Advertising Alliance's Consumer Opt-Out Page](#). You also should use the privacy options available from these vendors:

- Microsoft: <http://choice.microsoft.com>
- LinkedIn: <https://www.linkedin.com/help/linkedin/answer/62931>
- Google: <https://www.google.com/ads/preferences>
- Yahoo: <https://yahoo.mydashboard.oath.com>

Please note that you will still receive ads even if you opt-out of tailored ads. In that case, the ads will just not be tailored to your interests by participating companies.

Your mobile device should also include a feature (typically called "Limit Ad Tracking" on iOS or "Opt Out of Interest-Based Ads" or "Opt Out of Ads Personalization" on Android) that allows you to opt out of having certain information collected through apps used for interest-based advertising purposes. In addition, mobile device users can use the AppsFlyer [opt-out](#) to control their data collection and/or use.

By clicking on the "Do Not Sell My Personal Information" hyperlink in the footer of our websites, you can launch a consent tool to adjust your preferences about how certain cookies and certain similar technologies are used in our websites that hyperlink to that same preferences tool from their footer. You should repeat this process with each browser and device you use. This is the best way to control cookies on the sites that offer this option.

## **6. DO NOT TRACK SIGNALS**

We do not respond to or alter our practices detailed herein based upon your selection of the "Do Not Track" setting or other "opt-out" setting or feature that may be offered by your browser; however, we reserve the right to do so in the future.

## **7. DISCLOSURE OF YOUR INFORMATION**

We may share your information in the following ways:

We may make information collected through the Services available to subsidiaries and affiliated companies that are under common ownership or control within the Company family.

If you download information on assets listed on our Services or make a bid or offer on a particular asset, the seller and its affiliates and representatives, and potentially other parties related to the transaction, are given access to your information.

We may share information about our visitors, customers, or former customers with the following types of companies that perform services on our behalf or with whom we have joint marketing agreements:

- Processors, data processors, customer/support services, etc.
- Financial service providers such as companies engaged in banking, mortgage lending, consumer finance, securities, and insurance.

Some of our service providers and their partners, such as the providers of advertising and analytics services described in the Collection of Your Information and Tailored Advertising sections above, collect information directly from your device.

In addition to the other disclosures described in this section, we may, as allowed by law, provide a copy of information about you to other companies who we believe may have products and services of interest to you so that they may market to you. Such information sharing is not a current practice, but we reserve the right to do this in the future, and at such time, we will comply with any applicable legal requirement to (i) provide you with an opportunity to opt-out on the “Preference Center” page located in your Auction.com Account profile on [www.auction.com](http://www.auction.com), or by contacting us at [privacy@auction.com](mailto:privacy@auction.com) or (ii) take additional or alternative steps to provide you with an appropriate opportunity to control whether your data is involved.

We may share your information with any person or entity where we believe in good faith that such disclosure is necessary or otherwise appropriate to: (a) comply with the law or in response to a subpoena, court order, government request, or other legal process; (b) produce relevant documents or information in connection with litigation, arbitration, mediation, adjudication, government or internal investigations, or other legal or administrative proceedings; (c) protect the interests, rights, safety, or property of the Company or others; (d) enforce the Terms of Use on the Services or other contractual obligations; (e) provide users of the Services with the services they request; (f) provide you with special offers or promotions from us; (g) allow another company that acquires the Company or some or all of its assets to continue to serve you; or (h) operate the Company’s systems properly.

We may share your information with any person or entity when we have your consent.

We may use and share non-personal information about you or use of the Services, including any de-identified or aggregated data, with third parties without limitation.

## 8. OPTING OUT OF COMMUNICATIONS FROM US

By creating an Auction.com Account or registering for or participating in any marketing or transaction event on one of our Company websites, you agree to receive direct mail, email newsletters and other promotional email communications, as well as promotional telephone communications. For example, from time to time we may send you email notices or news updates alerting you to new features, products, promotions, or services pertaining to offerings from us, new opportunities, surveys or our other Services. Additionally, if you have created an Auction.com Account or registered for marketing or a transaction on one of our Company websites, we may send you direct mail or call you with respect to such matters.

**Text message sign-ups:** When you provide your telephone number or text JOIN to a number we give you, you are subscribing to receive Auction.com Asset Update Alerts and/or Auction.com Event Notifications by text message from us to the phone number you provide, and you are authorizing our use of your phone number (which you confirm that you own) to send you text messages with marketing messages, alerts and updates about properties you are interested in. You also consent to our use of an automatic telephone dialing system for telephone calls and texts (if you have opted-in to receive text message marketing).

With respect to Auction.com Communications:

You may alter your preferences with respect to promotional communications on the “Preference Center” page located in your Auction.com Account profile on [www.auction.com](http://www.auction.com), or by contacting us at [privacy@auction.com](mailto:privacy@auction.com).

- If you no longer wish to receive direct mail Auction.com Communications, you may opt out by contacting us at [privacy@auction.com](mailto:privacy@auction.com).
- If you no longer wish to receive promotional emails, you may opt out of receiving these communications by telling the representative who calls you with such Auction.com Communication or by contacting us at [privacy@auction.com](mailto:privacy@auction.com).
- If you no longer wish to receive text message Auction.com Communications, you may opt out by replying with the word “STOP” to a text message from us or calling us at [800-793-6107](tel:800-793-6107). You may request help by replying with the word “HELP” to a text message from us, or calling [800-793-6107](tel:800-793-6107), or going to [www.auction.com/lp/learn-more/smshelp](http://www.auction.com/lp/learn-more/smshelp).

We will gladly comply with such requests to opt out of or unsubscribe from promotional communications, but reserve the maximum amount of time allowed by law to process such requests. You cannot opt out of certain transactional emails or telephone calls.

## 9. NOTICE FOR CALIFORNIA RESIDENTS

The following paragraphs in this section provide details under the California Consumer Privacy Act (“CCPA”) and apply solely to California residents. In this section, the term “personal information” has the meaning set forth in the CCPA.

**Collection and Disclosure of California Personal Information.** During the 12 months leading up to the effective date of this Privacy Policy, we have collected all of the types of personal information described in the “Collection of Your Information” section of this Privacy Policy. During that period, we made the following disclosures of personal information about Californians:

Category of personal information	Categories of third parties to which it was disclosed
<b>Identifiers</b> , such as names, addresses, phone numbers, and email addresses	Affiliates and subsidiaries; sellers receiving your bid or offer; financial service providers; marketing and advertising services; transactional support providers; providers of technical services; and governmental entities.
<b>Demographics</b> , Date of birth and other information reflected on your driver license or other government-issued identification provided to Auction.com)	Same as first row.
<b>Commercial information</b> , Records of your transactions with us	Same as first row.
<b>Financial information</b> , Bank account number	Same as first row of this chart, except not to marketing and advertising services.
<b>Audio or visual information</b> , such as from customer service call recordings or conferencing conversations	Affiliates and subsidiaries; and providers of technical services.
<b>Professional or employment related information</b> , such as your employer and other company affiliations	Same as first row.
<b>Education information</b> , such as licenses and professional memberships	Same as first row.

<b>General geolocation information</b> , such as the location of your wireless device (e.g., latitude and longitude)	Same as first row, except not to sellers receiving your bid or offer; financial service providers; or governmental entities.
<b>Internet or other network or device activity</b> , such as browsing history or a record of your online Services usage	Same as first row.
<b>Other information you provide to us</b> , such as Information provided via surveys.	Same as first row, except not to sellers receiving your bid or offer; financial service providers; or governmental entities.
<b>Inferences</b> drawn from the data above	Same as first row, except not to sellers receiving your bid or offer; financial service providers; or governmental entities.

During the 12 months leading up to the effective date of this Privacy Statement, we “sold” (as that term is defined under the CCPA), what the CCPA calls “identifiers” (like IP addresses) and “internet or other electronic network activity information” (like information regarding an individual’s browsing interactions on a website) to third parties that assist us, such as marketing providers and analytics providers. This practice continues today. To our knowledge, we do not “sell” the personal information of individuals under 16 years of age.

**Use of California Personal Information:** We and our service providers may use the categories of personal information we collect from and about you for the following business purposes:

- Create and maintain your Auction.com Account and account profile, registration information and communication preferences;
- Enhance the user experience;
- Perform research and analytics;
- Customize, personalize and deliver the content and advertising that you see on the Services and elsewhere;
- Respond to and fulfill your requests for Services (including qualification to make bids or offers) or other inquiries;
- Determine your eligibility for certain marketing or transaction events, services, gifts, prizes, and special features of the Services;
- Call, email or otherwise contact you:

- to facilitate marketing or transaction events for which you are registered;
  - regarding new opportunities relating to marketing or transaction events or our other Services;
  - to send you information about topics that may be of interest to you;
  - to communicate in relation to your Auction.com Account;
  - to alert you to the latest developments and features of the Services; and
  - for other marketing, transactional, informational or research purposes.
- Administer, register or enroll you in, or facilitate your participation in recreational, educational or entertainment activities; surveys or questionnaires; promotions or sweepstakes, or any other services, events or activities sponsored by us or third parties, or offered in connection with our Services;
  - Send you prizes and gifts;
  - Enforce our Terms of Use and other contractual rights;
  - Protect our rights and property and the rights and property of others; and
  - Comply with law.

For additional information, please review the “Use of Your Information” section above.

**Opting out of “sale” of personal information.**

Californians have a right to direct us not to “sell” certain personal information as that term is defined in under the CCPA. You can exercise that right by clicking our Do Not Sell My Personal Information link in the footer of our website and performing BOTH of the following steps:

1. Complete the rights request form by selecting “Do Not Sell My Information” form; AND
2. In the consent preference manager that pops up, deactivate all categories of cookies other than the “Strictly Necessary” category by sliding the toggle to the left and saving your preference. Be sure to repeat this second step from each browser and device you use to access our Services. You’ll need to repeat this process again in a particular browser if you clear your cookies in that browser.

You also can contact at [\(800\) 793-6107](tel:8007936107) to complete the first step.

We reserve the right to take reasonable steps to verify the validity of your request.

**Additional California rights.** The CCPA may permit you to request that we:

- Provide you the categories of personal information we have collected or disclosed about you in the last twelve months; the categories of sources of such information; the business or

commercial purpose for collecting or selling your personal information; and the categories of third parties with whom we shared personal information.

- Provide access to and/or a copy of certain information we hold about you.
- Delete certain information we have about you.

Certain information may be exempt from such requests under applicable law. For example, the CCPA has significant exceptions for certain B2B data. As another example, we need certain types of information so that we can provide the Services to you and for compliance with applicable law. If you ask us to delete certain information, you may no longer be able to access or use the Services.

You may have the right to receive information about financial incentives that we offer to you (if any). You also have the right to not be subject to certain negative consequences for exercising your rights.

For the fastest response to requests to exercise any of these rights, please complete our form available at the “Do Not Sell My Personal Information” link in the footer of our website. Alternatively, you can call us at [\(800\) 793-6107](tel:8007936107).

You will be required to verify your identity before we fulfill your request, which may include, at a minimum, verifying your name, email address, mailing address, and phone number. You can also designate an authorized agent to make a request on your behalf. To do so, you must provide us with a written authorization acceptable to us or a power of attorney, signed by you, for the agent to act on your behalf. You will still need to verify your identity directly with us.

## **10. NOTICE FOR NEVADA RESIDENTS**

Under Nevada law, certain Nevada consumers may opt out of the “sale” of “personally identifiable information” for monetary consideration (as such terms are defined under Nevada law) to a person for that person to license or sell such information to additional persons. We do not engage in such activity as of the effective date of this Privacy Policy; however, if you are a Nevada resident and you have purchased products or services from us, you may submit a request to opt out of any potential future “sales” under Nevada law by sending a request to [privacy@auction.com](mailto:privacy@auction.com). Please note we may take reasonable steps to verify your identity and the authenticity of the request. Once verified, we will maintain your request in the event our practices change.

## **11. SECURITY AND ACCOUNT INFORMATION**

We have implemented commercially reasonable physical, administrative, technical, and electronic security measures to protect against the loss, misuse, and alteration of your personal

information. Despite our efforts, however, no security measures are perfect or impenetrable, and we do not promise that your information will remain secure. We appreciate your help in safeguarding the integrity of your own and others' privacy. We encourage you to let us know immediately if you suspect that any personal information you shared with us is being used contrary to this Privacy Statement.

## **12. CHILDREN'S INFORMATION**

The Services are not directed toward persons under 18 years of age. We do not knowingly market to or collect any personal information from children under the age of 18. If you are under 18, you are not permitted to submit any personal information to us or the Services. If you provide information to us through the Services, you represent that you are 18 years of age or older. If a parent or guardian believes that we have in our database the personal information of a child under the age of 13, please contact us immediately at [privacy@auction.com](mailto:privacy@auction.com) to request that we remove such information from our records.

## **13. ACCESSING PERSONAL INFORMATION, AND RELATED OPTIONS**

If personal information you provided changes or is inaccurate, you agree to update your information by updating the account information located in your Auction.com Account profile. Individuals in some countries outside the United States have certain legal rights to access certain information we hold about them and to obtain its correction, amendment or deletion (in addition to the self-serve option described in the previous sentence), as well as to object to the processing of their personal information or withdraw previously provided consent to such processing. (Withdrawal of consent does not affect the lawfulness of data processing based on consent before its withdrawal, and in some cases we may continue to process personal data on legal grounds other than consent, such as compliance with law.) To exercise those rights, they may contact us as described below. Californians should refer to Section 9 for a description of rights under California law.

If you no longer wish to use the Services, contact us at [privacy@auction.com](mailto:privacy@auction.com).

## **14. THIRD PARTY LINKS AND SERVICES**

The Services may contain links to third-party websites, including identity verification and social networking websites. Your use of these features may result in the collection or sharing of information about you, depending on the feature. Please be aware that we are not responsible for the content or privacy practices of other websites or services, including those to which we link. We do not endorse or make any representations about third-party websites or services. The personal information you choose to provide to or that is collected by these third parties is

not covered by our Privacy Statement. We strongly encourage you to read such third parties' privacy statements.

#### **15. AMENDMENTS TO PRIVACY STATEMENT**

We may amend this Privacy Statement at any time by posting the amended terms on the Services. Unless a different effective date is specified in the update, any changes to this Privacy Statement will become effective upon posting. Your continued use of the Services following the effective date means that you accept such revisions. If we make any material changes to this Privacy Statement, we will post the changes here and notify you in the manner and to the extent required by law.

#### **16. INTERNATIONAL TRANSFERS TO INFORMATION**

Some of the uses and disclosures mentioned in this Privacy Statement may involve the transfer of your personal information to various countries around the world that may have different levels of privacy protection than your country. By submitting your personal information, you consent to such transfers. By using the Services, or by submitting your personal information to us, you expressly consent to the storage and processing of your personal information in the United States and in other jurisdictions.

#### **17. CONTACTING US**

Should you have any questions about this Privacy Statement, contact us by sending an email to [privacy@auction.com](mailto:privacy@auction.com). Please provide your name, mailing address, telephone number and email address so we can service you more quickly. You can also call us at (800) 793-6107 or write to us at Privacy – Legal Department, 1 Mauchly, Irvine, CA 92618.