

The Toll Roads PRIVACY POLICY

Effective Date: January 22, 2019

Your privacy is important to us. The Foothill/Eastern Transportation Corridor Agency, a California joint powers agency (“F/ETCA”), operates the toll facilities on California State Routes (SR) 133, 241 and 261, and the San Joaquin Hills Transportation Corridor Agency, a California joint powers agency (“SJHTCA”), operates the toll facilities on SR 73. F/ETCA and SJHTCA, together with our vendors and/or Service Providers (collectively “TCA,” “We,” “Us,” or “Our”) operate www.TheTollRoads.com (“Website”). This Privacy Policy applies to (i) visitors to the Website and (ii) all users of SR 73, 133, 241 and 261 (the “The Toll Roads”).

You may visit and/or use Our Website only if you fully agree to this Privacy Policy and by accessing and/or using Our Website, you signify and affirm your informed consent to this Privacy Policy, including the collection and processing of data and Information, whether PII or otherwise, (generally, “Information”) as set out in this policy. This policy also informs you of the TCA’s policy and practices with respect to Information that We obtain in connection with your use of The Toll Roads.

DEFINITIONS

Personally Identifiable Information (PII): PII is any information, alone or in combination, that can be used to identify a specific individual. Examples of information that may be considered PII depending upon the circumstances and applicable law include but are not limited to: a person’s name, mailing address, business name, alternate contact information, e-mail address, fax number, transponder identification, Account number, license plate number(s) and state(s) of registration, vehicle make(s), model(s), year(s), telephone number(s), credit card number(s), security code(s) and expiration date(s), and Travel Pattern Data.

Service Providers: TCA relies on third party vendors, law enforcement, government entities (including the California Department of Motor Vehicles and Franchise Tax Board), other toll agencies and operators, and other entities to provide support and assistance for its general operations, financial operations, other operations, enforcement, management, and any products or services it may offer.

Travel Pattern Data: The Toll Roads user’s transponder identification and/or vehicle license plate is collected, in addition to the number of vehicle axles, as The Toll Roads user drives through a tolling location to record the transaction and calculate the toll. The license plate number and/or transponder, in conjunction with the toll locations and dates and times of travel may constitute a customer’s Travel Pattern Data. Your travel locations, dates, and times traveled do not constitute Travel Pattern Data if such information (1) is dissociated from any specific individual to create Anonymous Data; or (2) is combined with other data to create Aggregate Data.

Anonymous and Aggregate Data: Aggregate Data or information is statistical information that is a combination of PII and/or other data that relates to a group or category of persons from which specific identifying information has been removed. Anonymous Data is any data or information for which specific identifying information has been removed.

FasTrak® Account: A FasTrak Account® is an account that uses a transponder to register toll uses and process toll payments.

ExpressAccount®: An ExpressAccount® account is an account for which tolls are paid based solely on the vehicle’s license plate number and process the toll payments via credit card or debit card as a pre-paid value or charged upon use, or as invoiced by TCA.

Account or Accounts:

Refers to either or both FasTrak Account and ExpressAccount Accounts.

INFORMATION COLLECTION AND STORAGE

We collect a variety of Information from The Toll Roads users and visitors to Our Website. As described below, some Information is automatically collected when you use The Toll Roads or visit Our Website, and some you provide Us when creating or managing your Account or when communicating with Us. We may also acquire Information from third parties.

Information Collected Automatically

Whenever you visit Our Website, We automatically collect some Information about your transactions with Us and your use of Our Website. For example, We may automatically collect Information that your browser sends Us whenever you visit Our Website, including your computer’s Internet Protocol (“IP”) address, the type of operating system and web browser you use and related information. We may also automatically track certain Information about your activities on Our Website such as the pages you visit, the time and date of your visit, the time spent on those pages and other statistics. This automatically collected data is used to help Us customize your experience on Our Website and improve Our service to you.

Whenever you use The Toll Roads, We may take photographs and gather the name and address of the driver and/or the registered owner of a vehicle using The Toll Roads, Travel Pattern Data, transponder identification, license plate number(s). Pursuant to California law a Rental Car company may provide us the name of the renter of a vehicle to support the enforcement of toll violations.

Information You Provide Us

While providing your Information on Our Website, creating or managing your Account, or contacting Us, We may ask you to provide Us with Information. For example, when you establish your Account with FasTrak or certain ExpressAccount payment options, We collect the Information that you provide to Us such as your first and last name, contact information including your address, telephone number and email address, information related to each vehicle you would like registered to your account including its license plate number, billing and payment Information, including credit card or debit card number(s) and/or bank account information, and other basic account information necessary to process payments. For purposes of operation and management of The Toll Roads, including facilitating the processing and enforcement of toll transactions, We may also gather social security number(s), alternate addresses, and alternate contact information. If you contact Us directly in person or via phone or email, you may also provide Us with personal Information that We collect.

Information about Your Transactions with Us

When you make any payment to Us, We collect all of your payment and The Toll Roads use Information, such as the date, type, amount and category of any payment. Additionally, when you provide any financial or credit or debit card payment Information, We collect relevant data for processing payment. The credit or debit card payment information collected is translated into anonymized and coded data for processing.

When Our system processes a payment to your Account, the transaction records show usage of The Toll Roads by vehicle license plates or transponders registered to your Account or their use on other toll or parking facilities for which payment was processed through your Account, including the location, date and time where the transaction occurred. Similar information is required to process a One-Time-Toll® pre- or post-transaction payment, in order to properly link a transaction to your vehicle and your pre- or post-transaction payment.

Additional Information We Collect

We may collect Information from Service Providers and others to carry out Our business functions, billing, accounting, enforcement, operation and management of The Toll Roads, and to communicate information to you. For example, We may collect Information from third party entities such as law enforcement, government entities, service providers, other toll agencies and operators as necessary.

Where We Process and Store Data

TCA processes and stores data in the United States and in other locations for back-up and recovery purposes. If you live outside of the United States, you understand and agree that We may transfer your Information, including personal Information, to the United States. Our Website and The Toll Roads operations are subject to U.S. laws, which may not afford the same level of protection as those in your country.

HOW WE USE THE INFORMATION ABOUT YOU

We use the PII and other Information We obtain from or concerning you, your owned or rented vehicle(s), or your computer or device to provide The Toll Roads services, process payments, accounting, enforcement, operation and management of The Toll Roads, improve Our products and services, personalize and tailor your experience on the Website, communicate with you, and understand how users are engaging with Us. The Information, along with Anonymous Data and Aggregate Data, are used to understand how users are engaging with Us, to generate Traffic Pattern Data and other analysis and data for The Toll Roads. We also will use any Information collected in compliance with any applicable law, regulation or legal request where such can include exchanging Information with other companies and organizations for fraud protection and credit risk reduction. For example, We may share your Information to the extent legally authorized with third party entities such as law enforcement, government entities, other toll agencies, contractors facilitating the operation and management of The Toll Roads, entities or individuals that facilitate the collection and enforcement of tolls and penalties that you incurred or for which you are responsible, entities or individuals that facilitate communications with you, and other toll operators as necessary. If you choose to use your transponder to pay for parking where that service is offered, We may disclose PII to the parking entity to process that transaction.

WHAT ABOUT “COOKIES?”

A “cookie” is a piece of data stored on the user’s device, containing Information about the user’s access and/or browsing history of a website. We may use cookies on Our Website, but none of them contain any PII. Cookies can help Us provide Information which is targeted to your interests. Cookies are stored on your device, not on Our Website. Most cookies are “session cookies,” meaning that they are automatically deleted at the end of a session. We may also use “web beacons” or “pixel tags” to compile tracking Information related to your access and/or use of Our Website.

You may choose not to accept cookies by setting your browser to refuse all cookies or to notify you each time a cookie is set. If you choose to refuse cookies, however, you may not be able to use all features of Our site.

A NOTE TO PARENTS AND CHILDREN 13 AND YOUNGER

TCA recognizes the importance of protecting the privacy of children. We support and comply with the Children’s Online Privacy Protection Act (“COPPA”) and other laws. We do not market Our Website to children under the age of 14 and Our Website is not intended for children under the age of 18. We ask that those 18 years of age or less, not use the Website. No PII is purposefully or knowingly collected from children under the age of 18 by Us without parental consent. We expect all Information provided by online users to be truthful and correct regarding age and other Information provided.

SOCIAL MEDIA SHARING

The Website may offer social sharing features or other integrated tools, which let you share information you provide via the Website with other media, and vice versa. The use of such features enables the sharing of Information with your friends or the public, depending on the settings you establish with the third party that provides the social sharing feature. The fact that We link to or provide integrated tools for sharing with social media sites is not an endorsement, authorization or representation of Our affiliation with that social media site, nor is it an endorsement of their privacy or Information security policies or practices. The collection or processing of your Information as a result of any social sharing is governed by the agreements and privacy policies of such other social platform, not Us, and you should review and approve your Information, rights and preferences with such other platform(s).

HOW YOU MAY REVIEW OR REQUEST CHANGES TO YOUR INFORMATION

We will take reasonable steps to ensure that all Information that We collect is maintained as submitted by You to Us, so that Our records reflect Your information for its intended purposes, which may include customer relations, compliance and legal considerations, auditing, security and fraud prevention, and preserving or defending Our rights. You may send updates, corrections and requests to remove your personal Information to: Phone: +1-949-727-4800, In Person: The Toll Roads, 125 Pacifica, Ste. 120, Irvine, CA 92618, or Via Your Account.

We will make reasonable efforts to incorporate the changes to your Information that We hold as soon as practicable. You may cancel or modify any communications that you have elected to receive, such as emails, newsletters, etc., by following the unsubscribe instructions contained within the applicable communication medium. We will retain your PII only for as long as it is necessary for the purposes identified in this Privacy Policy or as authorized by applicable law.

ABOUT THE PRIVACY POLICY AND HOW WE WILL NOTIFY YOU OF ANY MATERIAL CHANGES IN THE PRIVACY POLICY

Our Privacy Policy may be accessed on the home page of the Website or by mail upon request. We reserve the right to modify the Privacy Policy at any time. If We make material changes to the Privacy Policy, We will notify you by means of a notice posted on the home page of the Website, via email or via mail, as available, or any combination thereof.

TRANSPORTATION AGENCY AND TOLL COLLECTION SYSTEM NOTICE

Pursuant to California Streets and Highways Code Section 31490, The Toll Roads includes in this Privacy Policy the types of information collected, the categories of third parties with whom the information may be shared, the process for you to review or update your information, and how We will notify you of changes to the Privacy Policy along with the effective date.

DATA PROTECTION LAWS

Our Services are intended for use by individuals located in the United States. If you are a user located outside of the United States, you understand and consent to having any Information processed in the United States. United States data protection and other relevant laws may not be the same as those in your jurisdiction. This includes the use of cookies and other tracking technologies as described above. As a result, please read this Privacy Policy with care.

Rights of EU Citizens

New standards imposed by the European data protection law known as the General Data Protection Regulation (GDPR) give individuals in the EU more control over their personal data and regulate businesses that store personal data. If you are a citizen of the EU and if your use of the website is governed by the GDPR, subject to the local and U.S. legal and regulatory requirements, you have the right to:

- Request access to your personal data (commonly known as a “data subject access request”).
- Request correction of the personal data that We hold about you, though We may need to verify the accuracy of the new data you provide to Us.
- Request erasure of your personal data. Where there is no good reason for Us continuing to process it, or where you have successfully exercised your right to object to processing (see below), where We may have processed your information unlawfully or where We are required to erase your personal data to comply with local law. Note, however, that We may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- Object to processing of your personal data where We are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where We are processing your personal data for direct marketing purposes. In some cases, We may demonstrate that We have compelling legitimate grounds to process your information which override your rights and freedoms.
- Request restriction of processing of your personal data. This enables you to ask Us to suspend the processing of your personal data in the following scenarios: (a) if you want Us to establish the data’s accuracy; (b) where Our use of the data is unlawful but you do not want Us to erase it; (c) where you need Us to hold the data even if We no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to Our use of your data but We need to verify whether We have overriding legitimate grounds to use it.
- Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for Us to use or where We used the information to perform a contract with you.
- Withdraw consent at any time where We are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, We may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent. You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, We may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, We may refuse to comply with your request in these circumstances.

We may need to request specific information from you to help Us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up Our response.

We try to respond to all legitimate requests within a reasonable period of time, generally one month, depending on the complexity of your request.

HOW TO CONTACT US FOR INFORMATION

If We need to contact you, We will do so by any available method, including U.S. mail or email, sent to the Information provided by you. You must notify Us if you change your email address or other contact Information.

If you wish to contact Us for any further Information, please send an email to:

CustomerService@TheTollRoads.com.