

## **PRIVACY STATEMENT**

**Effective Date: July 1, 2011**

Welcome to the Diamond Elite Loyalty App, a Manheim Remarketing, Inc. (“Manheim”) application to connect Element Financial Services (“Element”) with its top buyers and provide redeemable rewards points for certain buying activity. Please read this Privacy Statement carefully so that you understand what information Manheim collects through the App and any affiliated websites on which this Privacy Statement is posted (collectively, the “Service” or “App”) and what we do with that information. This Privacy Statement only applies to our collection of information online through the Service. It does not apply to information you may provide to Manheim or Element offline or through other means, for example, over the telephone or at a live auction or event. Manheim is a business-to-business service for commercial buyers and sellers of vehicles at wholesale and their duly authorized agents and representatives. Our Service is not intended for consumers. By using the Service, you agree to be bound by the terms and conditions of this Privacy Statement. Your consent to Manheim’s use and disclosure of information for the purposes described in this Privacy Statement remains valid after the termination of our relationship with you. If you do not agree, do not access the Service. If you have questions about this Privacy Statement, please contact our Privacy Officer at [privacy@manheim.com](mailto:privacy@manheim.com).

### **THE INFORMATION WE COLLECT**

The information Manheim collects online through the Service falls into two categories: (1) personally-identifying information voluntarily supplied by our users, and (2) tracking information automatically gathered as our users navigate through the App, perform searches, make bids, engage in transactions, redeem rewards points, or otherwise use the Service. As explained below, we may combine information collected by either or both of these means with the information contained in your individual AuctionACCESS membership profile, as well as with other information that we or our affiliated companies collect about you and any dealership or other company that buys or sells vehicles at wholesale with which you are associated. We may also link the information that we collect about you through the Service to notes about you that customer service and sales representatives working for us or our affiliates may record in our customer relationship management (“CRM”) database. These notes may include information about your employment responsibilities, contact and inventory preferences, remarketing activity and your comments and feedback as a customer. We share our CRM database with our affiliated companies so any information we collect about you through the Service may be combined with information about your relationships with affiliated services. Additionally, information collected through the App may also be shared with third-parties such as Element or other service providers as needed and at Manheim’s discretion.

### **Information You Give Us**

We collect personally-identifying information that you give us. The information you provide allows us to make our Service more useful to you by providing information tailored to your individual preferences and needs. The information you provide also helps us and our vendors to process transactions. The following are the general types of personally-identifying information that we may collect from you.

Registration Information. When you register to use the Service or to access certain features within the Service, we may collect or associate your profile with various types of information from you. For example, we will ask you to create a user ID and password and to enter \_\_\_\_\_. We use this information to verify your identity. We will also collect your AuctionACCESS number and use it to link your registration information with the information maintained by AutoTec, LLC in your AuctionACCESS membership profile. The information we obtain from your AuctionACCESS profile will include your name, dealership or other wholesale vehicle buyer or seller company affiliation, postal address, email address, telephone and fax numbers and date of birth. To engage in transactions using our Service, you must be an authorized agent or representative of a licensed vehicle dealership or other company duly authorized to buy or sell vehicles at wholesale and you must be an active member of AutoTec, LLC's AuctionACCESS System. To create an AuctionACCESS profile and learn more about what types of information AutoTec, LLC collects about its members and discloses to Manheim and other wholesale auction operators, please visit <https://www.auctionaccess.com>. AutoTec, LLC is not affiliated with Manheim and collects information about its members under its separate privacy policy using processes that we don't control. Supplying registration information is voluntary; however users who don't supply the information necessary to register for the Service will not be able to take advantage of the majority of features and content available through the Service.

Rewards, Surveys, Promotions and Customer Service. We will collect information related to the rewards you have accumulated through the App, as well as information regarding your redemption of those rewards. From time to time, we may use surveys, contests or sweepstakes that request personally-identifying information, including the same types of information collected for purposes of registration. The information we collect may also include demographic information, information about your interests and preferences and your feedback as a valued customer.

### **Information We Collect Automatically**

When you use the Service, Manheim or third parties acting on our behalf automatically collect certain information about your computer system configuration and your online activity. For example, each time you use the App, our servers automatically log information about your phone or browser, Internet Protocol (IP) address, access times, browser type and language, and the website you visited before navigating to our site. Your IP address is a number that is used by phones connected to the Internet to identify your computer so that data (such as the web pages you request) can be sent to your browser.

Manheim or third parties acting on our behalf also use "cookies" and web beacons (also known as pixel tags) and other similar technology to automatically collect information about your activity as you navigate through our Service. Cookies are small data files stored on your hard drive by a website. Among other things, cookies enable us to recognize you when you return to our Service and maintain your web session while you browse throughout the Service. Some examples of how we use cookies are to measure usage levels for particular features of our Service, to analyze demand for different vehicle inventory, to count visits to our web pages, to pre-populate forms, to analyze the preferences and needs of our users and to deliver tailored content and communications. Our cookies are linked to personally-identifying information and we use them to collect and store information about your individual usage,

preferences and activity patterns on our Service, including records of your page views, vehicle searches and bidding and transactional history. The "help" function on most web browsers contains information on how to set your browser to notify you before accepting a cookie or to disable cookies entirely. If you don't accept cookies, however, you may not be able to take advantage of various features of the Service that are available to other visitors who have not disabled cookie functionality.

Web beacons are 1 pixel by 1 pixel image files that may be embedded in our web pages or emails. We use web beacons to deliver cookies, count visits, and understand usage and campaign effectiveness. We also use web beacons to tell if an email has been opened and acted upon.

We may combine any information that we collect automatically through our Service with personally-identifying information that we or any of our affiliated companies collect about you online or offline, including your user ID, registration information and any information that we obtain from AuctionACCESS or maintain in our CRM database. We use this information to improve our Service, to help us understand your preferences and needs as a wholesale vehicle buyer or seller and to provide you with a better, more personalized experience.

## **HOW WE USE THE INFORMATION WE COLLECT**

We use the information collected through our Service, including personally-identifying information:

- to operate and improve our Service and facilitate wholesale vehicle transactions;
- to respond to your comments and questions and provide customer service;
- to contact you to request feedback about your experience with our Service or to learn about your individual preferences and interests;
- to send you information related to our services, including confirmations, invoices, technical notices, updates, security alerts, and support and administrative messages;
- to communicate with you about upcoming events and other news about products, features and services offered by Manheim, our affiliates (e.g., Manheim.com, Manheim Financial Services (MAFS), Meridian Remarketing) and selected third parties;
- to conduct market analysis, traffic flow analysis and related reporting;
- to customize or personalize your online experience, for example by pre-populating forms and displaying relevant content;
- to customize or personalize advertising, including advertising for our Service and affiliated services that you may see on third-party websites;
- to help dealership franchisors understand their franchisee representatives' preferences for inventory and services.

## **HOW WE SHARE INFORMATION**

Manheim reserves the right to disclose to third parties personally-identifying information and other information that we collect about you for a variety of reasons and purposes, such as providing you with information about products and services that we believe may be of interest to you and the dealerships or other companies that you represent. More specifically, we reserve the right to share information that we collect about you in the following circumstances:

- Affiliates. We may share information about you, including personal information, with our corporate affiliates, who will use it in accordance with their privacy policies. Please visit [Cox Automotive, Inc.](#) for more information about our affiliates. We may also combine information that we collect about you with any information about you that is collected by our affiliated companies.
- Dealership Franchisors. If you are an employee or a representative of a franchised dealership, we may share any information we collect about you with your dealership's franchisor – either for our own business purposes, or for the franchisor to use for its own business and marketing purposes and subject to its separate privacy policies, which may differ from ours. For example, we may share with your dealership's franchisor a list of their franchised dealers who searched for or bid on particular types of vehicle inventory or who attended or registered for particular sale events and the franchisor may use that information for their own business and marketing purposes.
- Service Providers, Vendors and Consultants. We may share any information we collect about you with any third-party vendors, consultants or service providers that we engage to perform services on our behalf and that need access to the information to carry out their work for us.
- Aggregate Information. We may combine information that we collect about you with information that we collect about other users of our Service or affiliated services in a form that does not identify you personally. We may use such aggregated information and disclose it to third parties as we see fit.
- Legal Obligations, Public Safety and Other Disclosures. We may occasionally release information about our visitors as authorized by law when we deem such release to be appropriate to comply with law, respond to legal process or a valid law enforcement request, enforce our Visitor Agreement, or protect the rights, property, health or safety of users of our Service, our customers, the public, Manheim, our affiliates or any third party.
- Business Transfers. As our business grows, we may buy or transfer various assets. In the event that we transfer assets relating to the Service to another company, information about our users may be among the transferred assets. We reserve the right to disclose and/or transfer personally-identifying information to a third party in the event of a proposed or actual purchase, sale, lease, merger, foreclosure, amalgamation or any other type of acquisition, disposal, transfer, conveyance or financing of all or any portion of Manheim or our affiliates.

- Marketing Purposes. We may disclose information, including personally-identifying information, such as your name, email and postal address, to our affiliates (e.g., Manheim.com, MAFS, Meridian Remarketing) so that they may market to you directly regarding upcoming events and other news about products, features and services offered by them that may be of interest to you and the dealerships or other companies that you represent.
- Access to Databases. In addition to all of the disclosures described above, we may also allow others to search some of our databases and to analyze the data they find there or aggregate it with other data, either for their business purposes, or ours.

## **LINKS AND FEATURES OFFERED IN CONJUNCTION WITH OTHER PROVIDERS**

To make our Service more valuable to our visitors, we may feature some products and services that come from other providers through cooperative arrangements with companies that specialize in providing such products and services. We may share with these third parties such information as is necessary for them to provide the products or services. Our Service may include links to other services, and provides access to products and services offered by either affiliates or third parties whose privacy policies and practices we don't control. When you access another website or purchase products or services or conduct other transactions through our Service, use of any information you provide is governed by the privacy policy of the operator of the site you're visiting or the provider of such products or services. The provider's privacy policy may differ from ours. If you can't find the privacy policy of any of our provider partners via a link either from their site's homepage or from the pages on which the products or services are offered, you should contact the provider directly for more information.

## **SECURITY**

Information that we gather on our Service is stored within Manheim-controlled databases (or databases hosted on our behalf) on servers maintained in protected environments. We use commercially reasonable efforts to ensure that personally-identifying information is protected against loss, theft and unauthorized access, including physical, organizational and technological safeguards. However, no physical or electronic security system is impenetrable. We cannot guarantee the security of our servers or databases, nor can we guarantee that information you supply won't be intercepted while being transmitted to us over the Internet.

## **RETENTION AND STORAGE OF PERSONAL INFORMATION**

For the purposes set out in this Privacy Statement, personally-identifying information may be transferred to, processed, stored and accessed by us or one of our affiliates or an unaffiliated service provider in the United States, Canada or other jurisdictions where we may have operations. Courts and other authorities in these jurisdictions may, in certain circumstances, be entitled to access your personally-identifying information. By using the Service, you consent to this transfer, processing, storage and access of your personally-identifying information in and/or outside of the jurisdiction in which you reside.

## **CHANGES TO THIS PRIVACY STATEMENT**

The internet is an evolving medium. If we decide to change this Privacy Statement at some point in the future, we'll post the changes here and update the reference to the effective date to reflect the date of the amendment. By using our Service on or after the effective date of any such amendment, you agree that your use, and any dispute over privacy, is governed by this Privacy Statement, as amended.