**Babcock power Privacy Notice**

Effective as of June 1, 2024

This privacy notice (the “**Privacy Notice**”) is designed to provide users (“**you**” or “**your**”) of Our websites, products, and services (the “**Products**”) with clear information relating to how Babcock Power Inc., together with its subsidiaries (collectively “**Babcock**”, “**We**”, “**Us**” or “**Our**”), processes your personal data or personal information (“**Personal Information**”). Our websites include [BabcockPower.com](https://babcockpower.com/), [geosynthetics.com](https://www.geosynthetics.com/), [rcbpi.com](https://www.rcbpi.com/) and [VogtPower.com](https://vogtpower.com/). In general, We only collect, share, and otherwise process Personal Information in order to provide users with Our Products.

In this Privacy Notice, you will find the following information:

[1. What is Personal Information and who is the provider and controller?](#_Toc155710456)

[2. Who are We?](#_Toc155710457)

[3. What Personal Information do We collect from you?](#_Toc155710458)

[4. Why and how do We use your Personal Information?](#_Toc155710459)

[5. With whom do We share your Personal Information?](#_Toc155710460)

[6. How long do We retain your Personal Information?](#_Toc155710461)

[7. European Data Protection Specific Information](#_Toc155710462)

[8. U.S. State Privacy Rights](#_Toc155710463)

[9. Children’s Privacy Notice](#_Toc155710464)

[10. Cookies](#_Toc155710465)

[11. Do-Not-Track Signals](#_Toc155710466)

[12. Third Party Links](#_Toc155710467)

[13. Modifications to the Privacy Notice](#_Toc155710468)

[14. Who can you contact if you have questions or complaints?](#_Toc155710469)

# What is Personal Information and who is the provider and controller?

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| ***What is Personal******Information?*** | Personal Information refers to any information that could identify you either directly or indirectly, including by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. |
| ***Who is the controller?*** | A controller is the entity that determines how and why Personal Information is processed. For the processing activities described in this Privacy Notice, Babcock acts as the controller. |

# Who are We?

Babcock Power Inc. is a Delaware corporation headquartered in Danvers, Massachusetts. Most of Babcock Power Inc.'s subsidiaries are headquartered in the United States with certain other subsidiaries headquartered outside of the United States.

# What Personal Information do We collect from you?

We may collect and process the following categories of Personal Information that you provide when you use Our websites, communicate with Us through Our websites’ contact forms, or otherwise engage Us to provide you with Our Products, namely:

* **Contact Information**: When you contact Us either through the contact forms on one of Our websites or else directly, We may collect your email, phone number, or mailing address.
* **Payment Information**: When you make a purchase, We may collect your name and credit card information.
* **Device and Website Usage Information**: We may automatically collect information about the device you use to access the Babcock websites, such as your computer’s IP address. We also use analytics applications, cookies, pixels and/or similar technologies, including Google Analytics, to help collect and analyze certain information, including: the domain name of the website that allowed you to navigate to Our websites, search engines used, the length of time spent on Our websites, the pages you looked at on Our websites, the frequency of your visits to Our websites, and other relevant statistics.
* **Professional, Employment-Related, and Candidacy Information**: When you apply for a job with Us, We will collect various of the information categories described above. In addition, We may collect additional identifiers, such as: Social Security Number, driver’s license or state identification number, veteran status, race or ethnic origin, gender and other personal and online identifiers; your resume or CV, cover letter, previous work and education experience, and any other professional information collected as part of your employment application and Our hiring process; residency, citizenship, or work permit status; and information required for Us to comply with laws, including at the direction of law enforcement authorities or court orders.
* **Additional Information**: Additional information that you provide to Us, including through feedback, messages, emails, mail, or otherwise.

# Why and how do We use your Personal Information?

We only use the Personal Information that you provide Us for the following purposes:

* **Provide Our Products**: We use your Personal Information in order to provide you with Our Products, including for the purpose of performing any contracts you may enter into with Us or to perform such pre-contractual measures as you may request by contacting Us.
* **Communicate with You**: We rely on your prior consent, where required by applicable law, in order to use your Personal Information to send you communications (including for marketing purposes), promote Our Products and services, and invite you to events.

In this regard, please note that you have the right to withdraw your consent at any time (without calling into question the processing previously carried out) by sending a request to the contact details specified at the end of this Privacy Notice.

* **Provide Our Website**: To provide you with Our websites, including using Personal Information for user support, to make it easier for you to use the websites, and to manage Our relationship with you.
* **Website Administration and Development**: To maintain, protect, and improve Our websites, ensure the technical functions of Our websites, and improve and customize the content and layout of Our websites.
* **Evaluate Your Candidacy for a Job with Us**: As a job applicant or recruit, We may use your Personal Information to evaluate your candidacy for a position with Us.
* **Legal Reasons**: We may use your Personal Information to comply with applicable law (e.g., compliance with sanctions and export control laws), respond to valid legal process, investigate or participate in civil discovery, litigation, or other adversarial legal proceedings, or investigate potential violations of or enforce Our terms of service.
* **Legitimate Interests**: We process Personal Information based on Our legitimate interests which consist of: (i) complying with applicable laws and responding to requests from, and other communications with, competent public, governmental, judicial or other regulatory authorities; (ii) meeting Our corporate and social responsibility commitments; and (iii) protecting Our rights, property, and security and those of Our clients and other business partners.
* **With Your Consent**: We may otherwise use your Personal Information with your consent.

# With whom do We share your Personal Information?

For the purposes referred to under this Privacy Notice, We may share your Personal Information with certain recipients. Such recipients will either act as another controller or as a processor acting on Our behalf and upon Our instructions.

The processors with whom We may share your Personal Information are the following:

* **Our Vendors, Service Providers, and Advertising Partners**: We may share Personal Information with Our vendors and service providers for the purposes of providing goods and services, including customer service, technical assistance, equipment installation services, repair services, inspections, or similar purposes. We may also share Personal Information with advertising partners in compliance with applicable privacy laws.
* **Subsidiaries and Affiliates**: We may share your Personal Information with Our subsidiaries and affiliates for the purposes described above or as reasonably necessary for Our internal administrative and business purposes.

We may also communicate your Personal Information to controllers in the following cases:

* **Legal Purposes**: We may disclose your Personal Information to any person or authority to comply with applicable law, respond to valid legal process, investigate or participate in civil discovery, litigation, or other adversarial legal proceedings, or investigate potential violations of or enforce Our terms of service.
* **Change of Control Transaction**: We may share your Personal Information with third parties who may or do acquire all or a portion of Our business, whether by way of merger, consolidation, or purchase of all or a portion of Our assets, including during negotiations of any such transaction, or in connection with any bankruptcy or reorganization proceeding brought by or against Us.
* **With Consent**: We may communicate your Personal Information to any other person, subject to your prior consent, including for marketing and advertising purposes.

We do not sell your Personal Information to any third parties, and We do not share your Personal Information under any circumstances not outlined in this section.

# How long do We retain your Personal Information?

We retain your Personal Information for no longer than necessary for the purposes identified under this Privacy Notice.

With respect to the Products provided to Our customers, We will keep your Personal Information during the period of Our contractual relationship with the customer, plus 25 years. With regard to marketing communications with prospects, We will keep your Personal Information for 10 years unless you request that We delete your Personal Information.

With respect to the processing carried out in order to protect Our rights, property and security as well as those of Our customers and visitors to Our websites, Babcock will keep your Personal Information for the period covering any applicable statutes of limitation.

As to the processing carried out in order to comply with a legal obligation, We will keep your Personal Information for the duration of such obligation.

Upon expiry of the applicable data retention period, We undertake commercially reasonable efforts to erase or irrevocably anonymize the relevant Personal Information.

# European Data Protection Specific Information

## Data Subjects’ Rights

Where the General Data Protection Regulation (“GDPR”) and/or the UK Data Protection Act 2018 and the GDPR as incorporated into UK law (“UK GDPR”) apply, you have various rights in relation to the processing of your Personal Information:

* **Access** to Personal Information processed concerning you;
* **Correct** inaccurate Personal Information;
* **Delete** any Personal Information concerning you;
* **Restrict processing**;
* Receive your Personal Information provided to Us in an interoperable format (**data portability**);
* **Object** to the processing on grounds relating to your particular situation.

In order to exercise any of your rights, or if you have any other questions about Our use of your Personal Information, please send a request to the contact details specified at the end of this Privacy Notice. Please note that We may request that you provide Us with additional information in order to confirm your identity and ensure that you are entitled to access the relevant Personal Information.

In any case, you also have the right to lodge a complaint with the competent data protection authority.

## International Data Transfers

As Babcock Power Inc. and most of its subsidiaries are located in the United States, your Personal Information needs to be transferred to the United States for the purposes referred to in this Privacy Notice, including implementing pre-contractual measures as necessary to fulfill any requests for information or to respond to such other communications related to entering into a formal business relationship with Us as you may send Us.

We rely on certain affiliates, service providers, and vendors for the purpose of providing Our Products, which are also located outside of the European Economic Area (“EEA”) or the UK, and this may therefore imply transfers of your Personal Information out of the EEA/UK to: (i) countries not considered as ensuring an adequate level of protection, e.g., Vietnam, Thailand, India, China, Mexico and the Philippines or (ii) the United States that are subject to the UK-US Data Bridge, or that may be subject to the EU-U.S. Data Privacy Framework (as applicable). In this regard, please note that We will provide you with a copy of applicable safeguards upon request to the contact details specified at the end of this Privacy Notice.

# U.S. State Privacy Rights

The California Consumer Privacy Act of 2018, as amended by the California Consumer Privacy Rights Act, and other states’ similar privacy laws, provide their residents the right to request:

* **Access** to specific pieces of Personal Information We have collected, the categories of sources from which the Personal Information is collected, the business purpose(s) for collecting the Personal Information, and the categories of third parties with whom We have shared Personal Information, and obtain the Personal Information in a portable and, to the extent technically feasible, readily usable format.
* **Deletion** of your Personal Information We have collected under certain circumstances.
* **Correction** of your Personal Information We have collected under certain circumstances.
* **To opt out of “sale” and “sharing”**: That your Personal Information not be sold to third parties. As noted above, We do not sell Personal Information to third parties in a conventional sense, however We may use advertising and analytics services that are intended to analyze your interactions with Our websites based on information obtained from cookies or other trackers, including for delivering advertising to you. You can get more information on opting out of the use of cookies in Section 10 below. California residents may also set the cookie function on Our website to opt out of cookies that may obtain your Personal Information, including for advertising purposes.
* **Appeal** of a denial of your requests. Some states provide additional rights to their residents. If We decline to process your request, you may have the right to appeal Our decision. You can do so by replying directly to Our denial or emailing Us at dataprivacy@babcockpower.com.

We will not discriminate against you for exercising any of these rights.

You may exercise your rights by sending a request to the contact details specified at the end of this Privacy Notice. We will timely acknowledge receipt of your request and provide a substantive response or notify you of the reason and extension period within the required time period. Only you or an authorized agent may make a request related to your Personal Information. We must verify your identity to respond to certain requests. We may do so by requiring you to provide information relating to your communications with Us or other additional information or give a declaration as to your identity under penalty of perjury.

To exercise your rights, please contact Us by email at dataprivacy@babcockpower.com or call 1-888-211-6497. To opt out of the use of cookies on Our websites, follow the instructions on the website to do so.

These rights are not absolute, are subject to exceptions and limitations, and may not be afforded to residents of all states. In certain cases, We may decline requests to exercise these rights where permitted by law.

**California Notice at Collection**

* **Categories of Personal Information We Receive**: We may collect, or process on behalf of customers, the following categories of Personal Information (as described in the “What Personal Information do We collect from you?” section above): contact information, payment information, device and website usage information, professional, employment-related and candidacy information and any other information that you provide to Us directly.
* **Sources**: We receive Personal Information from the sources described in the “What Personal Information do We collect from you?” section above, including from you, partners, customers, and from publicly available sources.
* **Our Business and Commercial Purposes for Use**: We use Personal Information for the following business and commercial purposes: to provide Our products, to communicate with you, to provide Our website, for website administration and development, to evaluate your candidacy for a job with Us, for legal reasons, for legitimate interests, including responding to requests from competent public, governmental, judicial or other regulatory authorities, and with your consent, as described in the “Why and how do We use your Personal Information?” section above. The categories of third parties that We disclose Personal Information to for business purposes are described in the “With whom do We share your Personal Information?” section above. We may permit advertising and analytics services that are intended to deliver advertising to you or analyze your interactions, based on your interactions with Our Websites which may constitute a “sale” or “sharing” of data for targeted advertising purposes under certain state privacy laws. See the “U.S. State Privacy Rights” section above for more information regarding your right to opt-out.
* **Retention**: We retain Personal Information for as long as is required to engage in the uses described in this Privacy Notice, unless a longer retention period is required by applicable law. Please see the “How long do We retain your Personal Information?” section above for more information.

## California’s Shine the Light Law

California Civil Code Section 1798.83, also known as “Shine The Light” law, permits California residents to annually request, free of charge, information about the disclosure of their Personal Information (if any) to third parties for the third parties’ direct marketing purposes in the preceding calendar year. As noted above, We do not share Personal Information with third parties for marketing purposes.

# Children’s Privacy Notice

Babcock’s websites are not intended for use by children under the age of 16, and We do not advertise, market, sell, or in any other way provide any of Our Products to anyone below the age of majority in his or her jurisdiction.

# Cookies

Cookies are small text files that are placed on your device when you browse Our websites. We use cookies for technical purposes (such as for embedded YouTube videos and other website features), to conduct audience analytics through Google Analytics, and for digital advertising.

If you consented to Our use of cookies but later wish to opt out, you may change, at any time, your cookies preferences by using Our cookie management tool available at [www.cookieyes.com](http://www.cookieyes.com). Alternatively, you can use your browser settings in order to block the cookies. The following links provide instructions in order to manage your cookies preferences:

|  |  |  |  |
| --- | --- | --- | --- |
| [Google Chrome](https://support.google.com/chrome/answer/95647?hl=en) | [Safari](https://support.apple.com/en-gb/guide/safari/manage-cookies-and-website-data-sfri11471/mac) | [Internet Explorer](https://windows.microsoft.com/en-US/windows-vista/Block-or-allow-cookies) | [Mozilla Firefox](https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences?redirectlocale=en-US&redirectslug=Enabling+and+disabling+cookies) |

Cookies will expire depending on their purpose, but no longer than after fourteen (14) months.

# Do-Not-Track Signals

Do-Not-Track is an initiative that developed a signal that an Internet user may activate to inform websites that the user does not want to have their data tracked. The Babcock websites do not currently respond to such signals.

# Third Party Links

Babcock websites may contain links to third-party websites, tools, or services. Those third parties have separate and independent privacy policies that you are invited to read carefully. This Privacy Notice does not apply to your use of such third-party websites, tools, or services. We do not own or control those third parties, and We assume no responsibility or liability for their content and activities.

# Modifications to the Privacy Notice

We reserve the right to change this Privacy Notice at any time, and will update Our Privacy Notice online with the date it was last updated. In case there is a substantial change, We will notify you in this respect. If such change to the Privacy Notice requires your consent, you will have the choice to consent as to whether or not We may use your information in a different manner.

# Who can you contact if you have questions or complaints?

If you have any questions, you may contact Us by email at the following address: dataprivacy@babcockpower.com.