



Fenix Marine Services, Ltd.'s ("FMS") California Consumer Privacy Act ("CCPA") Notice

Last Reviewed and Updated: October 15, 2024

This CCPA NOTICE FOR CALIFORNIA RESIDENTS ("Notice") supplements the information contained in the Privacy Policy of FMS and its affiliates (collectively, "FMS," "Company," "we," "us," or "our"), incorporated in this Notice by reference, and applies solely to visitors, users, and others who reside in the State of California ("consumers" or "you"). We adopt this Notice to comply with the California Consumer Privacy Act of 2018 as amended by the California Privacy Rights Act of 2020 (California Civil Code §§ 1798.100 to 1798.199) and its implementing regulations, as amended or superseded from time to time ("CCPA"). Any terms defined in the CCPA have the same meaning when used in this Notice.

Information We May Collect

We collect information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household, or as otherwise defined by the CCPA ("Personal Information").

Personal Information does not include information that is:

- Lawfully made available from government records.
- Deidentified or aggregated.
- Otherwise excluded from the scope of the CCPA.

The chart below provides the categories of Personal Information and Sensitive Personal Information (as defined by the CCPA) we have collected, disclosed for a business purpose, or sold or "shared" (for cross-context behavioral advertising purposes) in the preceding twelve months since this notice was last updated. The examples of Personal Information and Sensitive Personal Information provided for each category reflect each category's statutory definition and may not reflect all of the specific types of Personal Information and Sensitive Personal Information associated with each category.

Category	Collected	Disclosed	Sold/Shared
A. Identifiers Examples: A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES	YES	NO
B. Categories of Personal Information in Cal. Civ. Code § 1798.80(e) Examples: A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES	YES	NO

Category	Collected	Disclosed	Sold/Shared
<p>C. Characteristics of Protected Classifications under California or Federal Law</p> <p>Examples: Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).</p>	YES	YES	NO
<p>D. Commercial Information</p> <p>Examples: Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.</p>	NO	NO	NO
<p>E. Biometric Information</p> <p>Examples: Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.</p>	NO	NO	NO
<p>F. Internet or Other Electronic Network Activity Information</p> <p>Examples: Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.</p>	YES	YES	NO
<p>G. Geolocation Data</p> <p>Examples: Physical location or movements.</p>	NO	NO	NO
<p>H. Sensory Information</p> <p>Examples: Audio, electronic, visual, thermal, olfactory, or similar information.</p>	NO	NO	NO
<p>I. Professional or Employment-Related Information</p> <p>Examples: Current or past job history or performance evaluations.</p>	YES	YES	NO
<p>J. Non-Public Education Information (as defined in 20 U.S.C. 1232g; 34 C.F.R. Part 99)</p> <p>Examples: Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.</p>	NO	NO	NO

Category	Collected	Disclosed	Sold/Shared
<p>K. Inferences Drawn from Personal Information</p> <p>Examples: Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.</p>	NO	NO	NO
<p>L. Sensitive Personal Information (Identifiers)</p> <p>Examples: A consumer's social security, driver's license, state identification card, or passport number.</p>	YES	YES	NO
<p>M. Sensitive Personal Information (Log-In and Financial Information)</p> <p>Examples: Account log-in, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account.</p>	YES	YES	NO
<p>N. Sensitive Personal Information (Precise Geolocation)</p> <p>Geolocation data used to locate a consumer within a geographic area that is equal to or less than the area of a circle with a radius of 1,850 feet.</p>	NO	NO	NO
<p>O. Sensitive Personal Information (Group Membership)</p> <p>Examples: Racial or ethnic origin, religious or philosophical beliefs, or union membership.</p>	NO	NO	NO
<p>P. Sensitive Personal Information (Contents of Communications)</p> <p>Examples: The contents of a consumer's mail, email, and text messages unless the business is the intended recipient of the communication.</p>	NO	NO	NO
<p>Q. Sensitive Personal Information (Genetic Data)</p>	NO	NO	NO
<p>R. Sensitive Personal Information (Identifying of Biometric Information)</p>	NO	NO	NO
<p>S. Sensitive Personal Information (Personal Information Collected and Analyzed Concerning a Consumer's Health)</p>	NO	NO	NO
<p>T. Sensitive Personal Information (Personal Information Collected and Analyzed Concerning a Consumer's Sex Life or Sexual Orientation)</p>	NO	NO	NO

We obtain the categories of Personal Information listed above from the following categories of sources:

- Directly from you from the information you provide to us or our third-party vendors (e.g., HR and Payroll vendors). For example, your employment intake or from your communications and dealings with us.

- Directly and indirectly from activity on our website (www.fenixmarineservices.com and <https://portal.fenixmarineservices.com/apptmt-app/home>) or application (Mission Sync). For example, from submissions through our website portal or website usage details collected automatically, or from employment applications submitted through our website.
- Directly from you via sales. For example, processing and fulfilling orders or requests for customer support.
- Directly from closed-circuit television or video surveillance located in our terminal.

Use of Personal Information

We collect your Personal Information for the following specific business and commercial purposes:

- **Providing Services:** Providing our services.
- **Communicating:** Communicating with you, providing you with updates and other information relating to our services and products, providing information that you request, responding to comments and questions, and otherwise providing customer support.
- **Marketing:** Marketing purposes, such as developing and providing promotional and advertising materials that may be useful, relevant, valuable or otherwise of interest to you.
- **Deidentification and Aggregation:** Deidentifying and aggregating information collected through our services and using it for lawful purposes.
- **Job Applications:** Processing your job application.
- **Employment Benefits and Payroll:** Processing your employment benefits and payroll.
- **Safety Issues:** Responding to safety issues that may arise.
- **Compliance:** For compliance purposes, including enforcing our Conditions of Service or other legal rights, or as may be required by applicable laws and regulations or requested by any judicial process or governmental agency.
- **Fraud and Incident Prevention:** Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity.
- **Debugging:** Debugging to identify and repair errors that impair existing intended functionality.
- **Transient Use:** Short-term, transient use.
- **Contracting Vendors:** Contracting with vendors and service providers to perform services on our behalf or on their behalf, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing advertising or marketing services, providing analytics services, or providing similar services on behalf of the business or service provider.
- **Research:** Undertaking internal research for technological development and demonstration.
- **Improving Our Services:** Undertaking activities to verify or maintain the quality or safety of our services, and to improve, upgrade, or enhance our services.
- **Enabling Transactions:** Otherwise enabling or effecting, directly or indirectly, a commercial transaction.

- **Notified Purpose:** For other purposes for which we provide specific notice at the time the information is collected.

Disclosure of Personal Information

In the preceding twelve months since this notice was last updated, we disclosed Personal Information to the following categories of third parties for the purposes of providing services, communicating, marketing, facilitating payments, deidentification and aggregation, job applications, safety issues, compliance, fraud and incident prevention, debugging, transient use, contracting vendors, research, improving our services, enabling transactions, and for any notified purpose.

I. Analytics Providers.

Personal Information we disclosed: Identifiers, Categories of Personal Information in Cal. Civ. Code § 1798.80(e), Characteristics of Protected Classifications under California or Federal Law, Commercial Information, Internet or Other Electronic Network Activity Information, and Professional or Employment-Related Information.

II. Affiliates.

Personal Information we disclosed: Identifiers, Categories of Personal Information in Cal. Civ. Code § 1798.80(e), Characteristics of Protected Classifications under California or Federal Law, Commercial Information, Internet or Other Electronic Network Activity Information, and Professional or Employment-Related Information.

III. Vendors: Vendors and service providers.

Personal Information we disclosed: Identifiers, Categories of Personal Information in Cal. Civ. Code § 1798.80(e), Characteristics of Protected Classifications under California or Federal Law, Commercial Information, Internet or Other Electronic Network Activity Information, and Professional or Employment-Related Information.

IV. Third Parties with Consent: Other third parties for whom we have obtained your permission to disclose your Personal Information.

Personal Information we disclosed: Identifiers, Categories of Personal Information in Cal. Civ. Code § 1798.80(e), Characteristics of Protected Classifications under California or Federal Law, Commercial Information, Internet or Other Electronic Network Activity Information, and Professional or Employment-Related Information.

Your Rights under the CCPA

The CCPA provides consumers (California residents) with specific rights regarding their Personal Information. This section describes your CCPA rights and explains how to exercise those rights.

I. Access to Specific Information and Data Portability Rights

You have the right to request that we disclose certain information to you about our collection and use of your Personal Information over the past 12 months. Once we receive and confirm your verifiable consumer request, we will disclose to you:

- The categories of Personal Information we collected about you.
- Our business or commercial purpose for collecting that Personal Information.

- The categories of third parties with whom we share that Personal Information.
- The specific pieces of Personal Information we collected about you (also called a data portability request).

II. Deletion Request Rights

You have the right to request that we delete any of your Personal Information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, we will delete (and direct our service providers to delete) your Personal Information from our records, unless an exception applies.

We may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the Personal Information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 seq.).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

III. Exercising Access, Data Portability, and Deletion Rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us by email at Legal@fmslax.com.

Only you or a person registered with the California Secretary of State that you authorize to act on your behalf, may make a verifiable consumer request related to your Personal Information. You may also make a verifiable consumer request on behalf of your minor child.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected Personal Information or an authorized representative.

- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

We cannot respond to your request or provide you with Personal Information if we cannot verify your identity or authority to make the request and confirm the Personal Information relates to you. Making a verifiable consumer request does not require you to create an account with us. We will only use Personal Information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

IV. Response Timing and Format

We endeavor to respond to a verifiable consumer request within 45 days of its receipt. If we require more time (up to 90 days), we will inform you of the reason and extension period in writing. If you have an account with us, we will deliver our written response to the registered email associated with the account. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option. Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your Personal Information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

V. Non-Discrimination

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you use of our Services.
- Provide you a different level or quality of Services.

VI. Changes to Our Privacy Notice

We reserve the right to amend this Privacy Notice at our discretion and at any time. The date this Privacy Notice was last updated is identified at the top of the Notice. You are responsible for periodically visiting the FMS website and this Privacy Notice to check for any changes.

VII. Contact Information

If you have any questions or comments about this Privacy Notice, our Privacy Policy, the ways in which we collect and use your personal information, your choices and rights regarding such use, or wish to exercise your rights under California law, you may contact us via email at Legal@fmslax.com