

WildBlue Communications, Inc. – Subscriber Privacy Policy

Updated February 28, 2008 Page 1 of 5

This Privacy Policy covers all web sites under the **wildblue.net** domain (such as **www.wildblue.net** and

help.wildblue.net) and applies to all current and former customers of WildBlue's High Speed Internet service (the "Service"). We encourage you to read the entire Policy and check this page periodically for any changes or updates. By using the Service, you expressly consent to the terms of this Policy, as it may be changed from time to time.

WildBlue is committed to maintaining your privacy and believes that, as a subscriber to the Service, you are entitled to know WildBlue's information practices. This includes the limitations which WildBlue observes in the collection and disclosure of personally identifiable subscriber information, the type of personally identifiable information we collect, how we use subscriber information, under what conditions we may disclose this information, the period during which we maintain it and the rights of subscribers concerning this information and its disclosure.

If you have questions or concerns regarding this Policy, you should contact WildBlue at the contact information near the end of this Policy.

Information Collection. WildBlue collects information from you at several different points on the Service.

Some of this information is personally identifiable information, but much of it is not. Personally identifiable information is information that identifies a particular person. When you establish an account for the Service we collect information such as your name, address, telephone number, e-mail address, as well as information used for billing, and payment (including bank and credit card information), and other information we may need to establish and service an account. During the initial provisioning of the Service, and any subsequent changes or updates to that provisioning, WildBlue collects technical information about your computer hardware and software, satellite modem and/or other service-related devices, and customization settings and preferences.

WildBlue also collects personally identifiable information about you when you communicate with us for, among other things, support, maintenance, and billing, send us e-mails, respond to our surveys or e-mails, engage in chat sessions with us, register for information, or participate in promotions or contests. In addition,

WildBlue may combine personally identifiable information, which we collect as part of our regular business records, with personally identifiable information obtained from third parties for the purpose of creating an enhanced personal database to use in marketing and other activities related to the Service and our other services.

Information Use and Disclosure. WildBlue considers the personally identifiable information contained in our business records to be confidential. WildBlue may disclose personally identifiable information concerning any

subscriber, subject to applicable law, if the disclosure is:

- necessary to render, or conduct a legitimate business activity related to, the Service and Service features or

other services provided to the subscriber; *or*

- required by law or legal process including subpoena, court order or search warrant; *or*

- limited to the names and addresses of subscribers for "mailing list" or other purposes (subject to each

subscriber's right to prohibit or limit this disclosure as described below in this Policy).

In addition, WildBlue may use and disclose personal information collected from you or your use of the Service,

subject to applicable law, in order to:

- install, configure, operate, provide, support, and maintain the Service;
- confirm that you are receiving the service requested and are properly billed for it;
- identify you when changes are made to your Service account;
- make you aware of new products or services that may be of interest to you;
- understand the use of, and identify improvements to, our Service;
- detect unauthorized reception, use, or abuse of the Service;
- determine whether there are violations of any applicable policies and terms of Service;
- configure modems and/or other service-related devices; and
- comply with applicable law and take steps to prevent fraud.

WildBlue may also use and disclose personally identifiable information, subject to applicable law, in order for

WildBlue to perform, for example:

- billing and invoicing

WildBlue Communications, Inc. – Subscriber Privacy Policy

Updated February 28, 2008 Page 2 of 5

- administration

- surveys

- collection of fees and charges

- marketing

- service delivery and customization

- maintenance and operations

- technical support

- procurement of services, hardware or software necessary to the Service or offered through the Service

- hardware and software upgrades

- fraud prevention

In connection with the activities listed above, we may disclose personally identifiable information about you to our affiliates or to others who work for us. We may also disclose personally identifiable information about you to our employees for WildBlue's internal business purposes, as well as to outside auditors, professional advisors and service providers, potential business transition partners, and regulators. Typically, we make these disclosures when the disclosure is necessary to render, or conduct a legitimate business activity related to the Service or other services we provide to you. We may be required by law or legal process to disclose certain personally identifiable information about you to lawyers and parties in connection with litigation and to law enforcement personnel. We may also disclose certain personally identifiable information about you to third parties such as, for example, charities, marketing organizations, or other businesses, in connection with disclosures made for "mailing list" or other purposes as described in this Policy.

Transmission of Information. WildBlue transmits personally identifiable and non-personally identifiable information about you over the Service when you send and receive e-mail, chat, send instant messages, transfer and share files, make files accessible, visit Web sites, or otherwise use the Service and its features. Our transmission of this information is necessary to render the Service. WildBlue uses third parties to deliver some features and functions of the Service, including customer and technical support, e-mail, instant messaging, and web hosting, and those third parties collect or transmit personally identifiable and non-personally identifiable information about you. These third parties are not permitted to use your personally identifiable information except for the purpose of providing their services. We will not read your outgoing or incoming e-mail, private chat, or instant messages, but we (or our third party providers) do store e-mail messages on computer systems for a period of time. We could be required to disclose these messages and communications along with other personally identifiable information about you to comply with law or to protect our Service as described in the Legal Disclaimer section of this Policy. We also monitor the performance of our Service and your Service connection in order to manage, maintain, and improve the Service and your connection to it. We (or our third

party providers) use tools to help prevent and block "spam" e-mails, viruses, spyware, and other harmful or unwanted communications and programs on the Service. These tools may automatically scan your e-mails, instant messages, file attachments, and other files and communications in order to help us protect you and the Service against these harmful or unwanted communications and programs. These tools do not collect or disclose personally identifiable information about you.

Service Providers. We contract with third parties to provide specific services and features for the Service. For example, our newsgroups are provided by a third party. When you use these particular services, generally you provide your name and specific Service-related information directly to the third party service provider. If you become a customer of these third parties directly, then you will be subject to their terms of service and privacy policies. You should carefully read their terms and policies to understand how they may use personally identifiable information about you. Except as otherwise specified in this Policy, we will not provide our advertisers, content providers, or these other third parties with personally identifiable information about you unless we have received your consent first. Likewise, WildBlue will not share personally identifiable information about where you go on the Service or on the Web unless we have received your consent first. We also use aggregate information to better understand how the Service is being used, to improve it, and for network management, bandwidth usage, maintenance, performance measurement, and security.

WildBlue Communications, Inc. – Subscriber Privacy Policy

Updated February 28, 2008 Page 3 of 5

Aggregate Information

WildBlue or our contractors may from time to time share aggregate (non-personally identifiable) information such as the number of Service subscribers who match certain statistical profiles (for example, the number of subscribers in various parts of the country) with our advertisers, content providers, or other third parties with whom we have a relationship.

Third Party Advertisers. We may use a third-party ad serving company to serve certain advertisements to you when you visit our websites, www.wildblue.net, www.wildblue.com, and www.wildblueworld.com. Our thirdparty ad serving company may use anonymous information related to your visit to the Service's Web site to

better provide advertisements to you about goods and services that may be of interest to you. In the course of serving advertisements to this Web site, our third-party ad serving company may place or recognize a unique "cookie" or equivalent technology through your browser.

Business Transitions. If WildBlue enters into a merger, acquisition, or sale transaction of all or a portion of its assets, subscribers' personally identifiable information will, in most instances, be one of the items transferred as part of the transaction. If, as a result of the business transition this Policy will be changed, you should refer to the Notification of Changes to this Policy section. Aggregate information may also be transferred in connection with a business transition.

Preferences. We store information that you provide to personalize your settings on the Service so that you don't have to change these settings each time you use the Service. We do not share your preferences with third parties except for service providers or other third parties who may provide certain components of the Service.

Cookies. Cookies are small files stored on a computer's hard drive to simplify and improve a user's Web experience. A Web site may store information in a cookie about your computer configuration so that it can more efficiently provide information to you the next time you visit the site. Or, your browser program might save a cookie with a reference key linking to your username and password on a remote server so that a Web site's server will automatically recognize you the next time you access the site. WildBlue uses cookies to remember your username and password, if you choose to store them, from the home page of the Service at www.wildblue.net, as well as to remember some of your personalization preferences. WildBlue also uses cookies to determine when your current session on the Service's Web site should be logged out after a period of no activity, as well as for efficient management of the servers providing our Web site including when you access the Personal Web Space services. In addition, WildBlue uses cookies to determine whether you are accessing the website at www.wildblue.net or features of the Service from our Service or another Internet service provider. We do this in order to authenticate access to certain features of the Service, and to enable certain communications between Service subscribers. Aside from this reference by the cookie, WildBlue does

not store your name or other personal information in cookies. Some of our business relationships are with vendors who may use cookies (for example, search engines) or in connection with their own advertisers and other business partners. However, we have no access to or control over these third party cookies. For more information about how these vendors and their business partners use cookies, and how you may be able to "optout" of those cookies, read the privacy policy that applies to each vendor's Web site. This Policy covers the use of cookies by WildBlue under the **wildblue.net** domain; it does not cover the use of cookies by any other party or Web site unless stated otherwise.

Log Files and Web Site and E-mail Management. Like many Web sites, the Service's Web site servers generate log files. These logs record aggregate (non-personally identifiable) information about site usage such as Internet protocol (IP) addresses, browser types, Internet service providers, referring/exit pages, pages accessed, platform types, date/time stamps, times of use, and page views, for example. This information is necessary to analyze trends, administer the Service's Web site, balance web traffic, evaluate users' electronic browsing in the aggregate, and gather broad demographic information for aggregate use.

Communications from WildBlue:

Special Offers and Updates. We send all new subscribers to the Service a welcome e-mail and sometimes other information. Subscribers who would like to receive information from us about products, services, and special offers, promotions, and features may do so. See the Choice and Contact Preferences section of this Policy to learn how to opt in or opt out of receiving these types of promotional communications.

WildBlue Communications, Inc. – Subscriber Privacy Policy

Updated February 28, 2008 Page 4 of 5

Service Announcements. We send subscribers Service-related announcements from time to time. For example, we may send you an e-mail announcement about a pricing change, a change in operating policies, or new features of the Service. You may not opt-out of these Service-related communications, though you can deactivate your Service account if you wish. If you fail to check your Service account and primary e-mail address for Service-related announcements, you may miss important information about the Service, including legal notices, for example.

Customer Service. We communicate with you to provide requested services and support for questions and

issues relating to your Service account. We will reply to your requests for customer service by e-mail, phone, discussion forum, or through any other reasonable means.

Choice and Contact Preferences. Any e-mail relating to special offers or promotions will contain a link or instructions allowing you to opt out of receiving similar promotional e-mails in the future by following the optout instructions in the e-mail or visiting the Contact Preferences section of My Account on the **www.wildblue.net** Web site.

Links. The Service's Web site contains links to other sites. Some of these other sites may be co-branded with WildBlue and may look like Service features, but WildBlue is not responsible for the privacy practices of these other sites. We encourage you to be aware when you leave our Web site and to read the privacy policies of every Web site that collects personally identifiable information about you, whether the site is co-branded with WildBlue or not.

Security. WildBlue takes the security of our subscribers' personally identifiable information seriously. We follow industry-standard practices to take such actions as are necessary to prevent unauthorized access to personally identifiable information by a person other than the subscriber or us. However, we cannot guarantee that these practices will prevent every unauthorized attempt to access, use, or disclose personally identifiable information. We restrict access to nonpublic personal information about you to those employees and contractors who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal standards to guard your nonpublic personal information.

Correcting and Accessing Information. If your personally identifiable information changes, if you wish to confirm the accuracy of your personally identifiable information, or if you no longer want to subscribe to the Service, we provide a way to correct that information and a way to deactivate a Service account. You can correct some personally identifiable information through the My Account link at **www.wildblue.net**. You may also contact us by telephone at the contact information listed below to correct information or deactivate your Service account. In addition, you may examine and copy any personally identifiable information we collect and

maintain relating to you at your local WildBlue office upon reasonable notice and during regular business hours. If you wish to inspect those records, please contact us by telephone at 1-866-WILDBLUE, giving us a reasonable period of time to locate and, if necessary, prepare the information for review, and to arrange an appointment during regular business hours. We will correct our records if you make a reasonable showing that any of the personally identifiable information we have collected about you is inaccurate. You will only be permitted to examine records that contain information about you and no one else. WildBlue reserves the right to charge you for the cost of photocopying any documents that you request.

Enforcement. You, as a subscriber to the Service, may enforce the limitations imposed on WildBlue by applicable federal law with respect to the collection and disclosure of personally identifiable information about you. You may do so through a civil action under federal law, in addition to other rights and remedies that may be available to you under federal or other applicable laws.

Retention of Information. WildBlue maintains personally identifiable information about you in our regular business records while you are a subscriber to the Service. We also maintain this information for a period of time after you are no longer a subscriber. We will destroy the information within a reasonable time period or within a required timeframe established under applicable law, whichever is shorter.

Notification of Changes to this Policy. If we change this Policy (which we may do at any time), we will post those changes on the homepage of the Service Web site, or in other places we deem appropriate, so our subscribers are aware of what information we collect, how we use it, and under what circumstances, if any, we

WildBlue Communications, Inc. – Subscriber Privacy Policy

Updated February 28, 2008 Page 5 of 5

disclose it. We will use information in accordance with the Privacy Policy under which the information was collected. Your decision to continue receiving the Service after we make any changes to this Policy shall be deemed to be your express consent to the changes in the revised Policy.

Contact Information. If you have any questions or suggestions regarding this Policy, or wish to contact us about your personal information, please contact us at legal@wildblue.net.

Special Note about Children. The Service is not directed to children under the age of 13, and WildBlue does not knowingly collect personally identifiable information from anyone under the age of 18 on the Service unless

expressly specified on the appropriate pages of the Service website. On those pages, WildBlue or its service providers will provide a special notice or other information describing any additional privacy protections that may apply. Children should always get permission from a parent or legal guardian before sending any information about themselves (such as their names, e-mail addresses, and telephone numbers) over the Internet, to us or to anyone else.

Email, Webpage, and Similar Services. Please note that this Privacy Policy applies only to information supplied directly to WildBlue. For privacy policy terms applicable to your email, web page and similar services, the privacy policy of Google, Inc. applies. Google's Gmail privacy policy can be found at <http://mail.google.com/mail/help/privacy.html>.