

Plug Power Website Privacy Policy

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Introduction

Plug Power Inc. ("**Plug Power**," "**Company**" or "**We**") respect your privacy and are committed to protecting it through our compliance with this policy.

This policy describes the types of information we may collect from you or that you may provide when you visit the website plugpower.com (our "**Website**") and our practices for collecting, using, maintaining, protecting, and disclosing that information.

This policy applies to information we collect:

- On this Website.
- In email, text, and other electronic messages between you and this Website.
- When you interact with our advertising on third-party websites and services.

It does not apply to information collected by:

- Us offline or through any other means, including on any other website operated by Company or any third party; or
- Any third party, including through any application or content (including advertising) that may link to or be accessible from or through the Website.

Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our Website. By accessing or using this Website, you agree to this privacy policy. This policy may change from time to time (see Changes to our Privacy Policy). Your continued use of this Website after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

Children Under the Age of 16

Our Website is not intended for children under 16 years of age. No one under age 16 may provide any information on the Website. We do not knowingly collect personal information from children under 16. If you are under 16, do not use or provide any information on this Website. If we learn we have collected or received personal information from a child under 16 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 16, please contact us at marketingdept@plugpower.com

Information We Collect About You and How We Collect It

We collect several types of information from and about users of our Website, including information:

- By which you may be personally identified, such as name, email address, telephone number, or any other identifier by which you may be contacted online or offline;
- That is about you, such as your employer, job title, and role; and/or
- About your internet connection, the equipment you use to access our Website, and usage details.

We collect this information:

- Directly from you when you provide it to us.
- Automatically as you navigate through the site. Information collected automatically may include usage details, IP addresses, and information collected through cookies, web beacons, and other tracking technologies.

Information You Provide to Us

The information we collect on or through our Website may include:

- Information that you provide by filling in forms on our Website. This includes information provided at the time of requesting information or services. We may also ask you for information when you report a problem with our Website.
- Records and copies of your correspondence (including email addresses), if you contact us.
- Your search queries on the Website.

Information We Collect Through Automatic Data Collection Technologies

As you navigate through and interact with our Website, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions, and patterns, including:

- Details of your visits to our Website, including traffic data, location data, logs, and other communication data and the resources that you access and use on the Website.
- Information about your computer and internet connection, including your IP address, operating system, and browser type.

The information we collect automatically is statistical data and we may maintain it or associate it with personal information we collect in other ways or receive from others. It helps us to improve our Website and to deliver a better and more personalized service, including by enabling us to:

- Estimate our audience size and usage patterns.
- Store information about your preferences, allowing us to customize our Website according to your individual interests.
- Speed up your searches.
- Recognize you when you return to our Website.

The technologies we use for this automatic data collection may include:

- ***Cookies (or browser cookies).*** A cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting you may be unable to access certain parts of our Website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Website. The following cookies are utilized on our Website:
 - **Necessary:** Necessary cookies are absolutely essential for the website to function properly. These cookies ensure basic functionalities and security features of the website, anonymously.
 - **Functional:** Functional cookies help to perform certain functionalities like sharing the content of the website on social media platforms, collect feedbacks, and other third-party features.
 - **Performance:** Performance cookies are used to understand and analyze the key performance indexes of the website which helps in delivering a better user experience for the visitors.
 - **Analytics:** Analytical cookies are used to understand how visitors interact with the website. These cookies help provide information on metrics the number of visitors, bounce rate, traffic source, etc.
 - **Advertisement:** Analytical cookies are used to understand how visitors interact with the website. These cookies help provide information on metrics the number of visitors, bounce rate, traffic source, etc.

Third-Party Use of Cookies and Other Tracking Technologies

Some content or applications, including advertisements, on the Website are served by third-parties, including advertisers, ad networks and servers, content providers, and application providers. These third parties may use cookies alone or in conjunction with web beacons or other tracking technologies to collect information about you when you use our website. The information they collect may be associated with your personal information or they may collect information, including personal information, about your online

activities over time and across different websites and other online services. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content.

How We Use Your Information

We use information that we collect about you or that you provide to us, including any personal information:

- To present our Website and its contents to you.
- To provide you with information, products, or services that you request from us.
- To fulfill any other purpose for which you provide it.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
- To notify you about changes to our Website or any products or services we offer or provide through it.
- In any other way we may describe when you provide the information.
- For any other purpose with your consent.

We may also use your information to contact you about our goods and services that may be of interest to you. If you do not want us to use your information in this way, please check the relevant box located on the form on which we collect your data.

We may use the information we have collected from you to enable us to display advertisements to our advertisers' target audiences.

Disclosure of Your Information

We may disclose personal information as described in this privacy policy:

- To our subsidiaries and affiliates.
- To contractors, service providers, and other third parties we use to support our business and who are bound by contractual obligations to keep personal information confidential and use it only for the purposes for which we disclose it to them.
- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Plug Power's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by Plug Power about our Website users is among the assets transferred.
- To fulfill the purpose for which you provide it.
- For any other purpose disclosed by us when you provide the information.
- With your consent.

We may also disclose your personal information:

- To comply with any court order, law, or legal process, including to respond to any government or regulatory request.
- To enforce or apply our terms of use and other agreements, including for billing and collection purposes.
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of Plug Power, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

Choices About How We Use and Disclose Your Information

We make available several ways for you to manage choices about your personal information, including preferences regarding cookies, advertising, whether you want to receive marketing and promotional emails from us, and choices regarding your account and profile information.

- **Cookie Settings.** To prevent cookies from tracking your activity on our Website or visits across multiple websites, you can set your browser to block certain cookies or notify you when a cookie is set; you can also delete cookies. The “Help” portion of the toolbar on most browsers will tell you how to prevent your device from accepting new cookies, how to have the browser notify you when you receive a new cookie, or how to delete cookies. Visitors to our Website who disable cookies will be able to browse the site, but some features may not function.
- **Industry Ad Choice Programs.** You can also control how participating third-party ad companies use the information that they collect about your visits to our Website, and those of third parties, in order to display more relevant targeted advertising to you. If you are in the U.S., you can obtain more information and opt out of receiving targeted ads from participating third-party ad networks at aboutads.info/choices (Digital Advertising Alliance). Opting out of participating third party ad networks does not opt you out of being served advertising. You may continue to receive generic or “contextual” ads on our Website. You may also continue to receive targeted ads on other websites, from companies that do not participate in the above programs.
- **Marketing Communications.** You can opt out of receiving marketing emails from us by using the unsubscribe feature in any such email we send you. You can also log in to your account and change your marketing/communications preferences.

Additional Information for California Residents

This California section supplements the information contained in our privacy policy above and is adopted to comply with the California Consumer Privacy Act (CCPA) 2018, Cal. Civil Code Section 1798.100 et. seq., as amended, and related regulations, as may be further amended from time to time (“CCPA Policy”). This CCPA Policy applies solely to visitors, users, consumers and/or others who reside in the State of California (“Consumers”). Any terms defined in the CCPA have the same meaning when used in this CCPA Policy. All other capitalized terms shall have the same meaning as those designated in the privacy policy above. This CCPA Policy explains how we collect, use, disclose and retain Personal Information and how consumers may exercise their rights under CCPA.

The CCPA defines Personal Information as “information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household” but does not include certain exempt information, publicly available information, or deidentified or aggregated information. Our data collection practices include the collection and use of Personal Information as described in this privacy policy and as set forth below. This CCPA Policy applies to our data practices both online and offline.

Our Purposes for the Collection and Use of Personal Information

We may collect Personal Information directly from Consumers, users of our Website, affiliates, business partners, agents, etc. Our collection of Personal Information is limited to the business and commercial purposes as described below:

1. To perform the retail services for which it was provided and to provide products to you

2. Administer and improve our Website
3. Facilitate billing, collections, and shipment
4. Contact Consumers with information on products and services
5. Market our products and services to Consumers
6. Detect fraud or theft or for other security purposes, including to investigate complaints
7. Comply with legal, reporting, and regulatory requirements
8. Maintain, manage, and service Consumer accounts
9. Provide customer service or support
10. Verify Consumer identity as necessary under applicable law
11. Send transactional communications as part of our Services
12. For other purposes that are compatible with this privacy policy or where permitted by applicable law
13. In any other way we may describe when you provide the information, or for which you provide authorization

Sources of Collection of Personal Information

We collect Personal Information from the following sources:

- Directly or indirectly from you
- From third party sources, including publicly available sources
- From our affiliates or subsidiaries
- From our vendors and service providers
- From our business partners
- From our business customers
- From social media platforms

Depending on how you interact with us, we may collect the following categories of personal information (and have collected within the prior 12 months) for the business or commercial purposes provided. The numbers below align with the “Our Purposes for the Collection and Use of Personal Information” section above.

Category of Personal Information that We May Collect and Transmit	Examples	Business or Commercial Purpose(s)
<i>Identifiers</i>	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, or other similar identifiers	1-13
<i>Personal Information described under Cal. Civ. Code Section 1798.80</i>	A name, address, telephone number, or limited financial information, Some personal information included in this category may overlap with other categories.	1-13
<i>Commercial Information</i>	Products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	1,3,5,6,8,11-13
<i>Profession and Employment Related Information (job applicants)</i>	Job title and employer	1-13

<i>Internet and Other Electronic Identifiers</i>	Unique user ID, browsing history, cookie data, IP address, unique device information, session logs, analytics logs, geolocation data, and similar identifiers	2,5,9,12,13
<i>Inference Information</i>	Profile reflecting preferences, characteristics or predispositions, product and service interests, order histories, search histories and similar information	2,9,12,13
<i>Biometric Information</i>	N/A	N/A
<i>Geolocation Data</i>	N/A	N/A
<i>Audio, Electronic, Visual, or Similar Information</i>	Call recordings if you interact with our customer service, recorded meetings and webinars, and security camera footage if you visit our offices.	1,3,4,6,7,8,9,10,12

Categories of Third Parties and other Recipients to Whom We Disclose Personal Information

We disclose the categories of Personal Information outlined above to certain service providers or third parties for business purposes, to provide our products and services, or for other purposes as provided by CCPA. This includes: a) our affiliates and subsidiaries b) our service providers including information technology, software, and cloud providers, security providers, marketing and advertising providers, and similar services in connection with providing our products, services and in the support of our operations, c) our business partners, d) acquires of our business assets, e) ad networks, f) internet services providers, g) analytics providers, h) government entities, i) operating systems and platforms, i) social networks or to any other entity disclosed by Plug Power when you provide the information, or for which you provide authorization.

Retention of Personal Information.

We retain your Personal Information for as long as needed or permitted, based on the reason we obtained it (consistent with applicable law). When deciding how long to keep your personal information, we consider whether we are subject to any legal obligations (e.g., any laws that require us to keep records for a certain period before we can delete them) or whether we have taken any legal positions (e.g., issued any legal holds or otherwise need to preserve the information). Rather than delete your data, we may also deidentify it by removing identifying details. Where we have committed to maintaining and using Personal Information in a deidentified form, we agree not to reidentify deidentified data except as permitted by applicable law.

“Selling” or “Sharing” of Personal Information

The CCPA defines “sale” as disclosing or making available Personal Information to a third-party in exchange for monetary or other valuable consideration, and “sharing” includes disclosing or making available Personal Information to a third-party for purposes of cross-contextual behavioral advertising. While we do not disclose Personal Information to third parties in exchange for monetary compensation, we may “sell” or “share” the following categories of personal information: identifiers, commercial information, Internet or other electronic network activity information, and inferences. We disclose these categories to third-party advertising networks, analytics providers, and social networks for purposes of marketing and advertising. We do not sell or share personal information about individuals we know are under age sixteen.

Consumer Rights under CCPA

The CCPA provides Consumers with specific rights regarding their Personal Information. This section explains those rights and how they may be exercised.

1. **Right to Know/Access.** Consumers have the right to request to certain information about our collection and use of Personal Information or access to specific pieces of Personal Information
2. **Right to Correct.** Consumers have the right to request correction of inaccurate Personal Information maintained by Plug Power.
3. **Right to Opt-Out of Sales and Sharing.** You have the right to opt-out of “sales” and “sharing” of your personal information, as those terms are defined under the CCPA. While we do not “sell” personal information in the traditional sense (i.e., for money), our use of third-party analytics and advertising cookies may be considered “selling” and “sharing” under CCPA. To exercise your right to opt-out of the “sale” or “sharing” of your personal information, click here or use the Do Not Sell or Share My Personal Information link at the bottom of our website.
4. You also have the right to opt-out of “sales” and “sharing” of your personal information through the use of an opt-out preference signal. If our Website detects that your browser or device is transmitting an opt-out preference signal, such as the “global privacy control”—or GPC— signal, we will opt that browser or device out of cookies on our Website that result in a “sale” or “sharing” of your personal information. If you come to our Website from a different device or from a different browser on the same device, you will need to opt-out, or use an opt-out preference signal, for that browser and/or device as well
5. **Right to Delete.** Consumers have the right to request deletion of Personal Information, subject to certain exceptions
6. **Right to Limit Use.** We do not engage in uses or disclosures of “sensitive personal information” that would trigger the right to limit use of sensitive personal information under the CCPA.
7. We will not discriminate against consumers for exercising CCPA rights including refusing Services or offering different pricing models. However, we may offer you certain financial incentives permitted by the CCPA that can result in different prices, rates, or quality levels. Any CCPA-permitted financial incentive we offer will reasonably relate to your Personal Information’s value and contain written terms that describe the program’s material aspects. Participation in a financial incentive program requires your prior opt-in consent, which you may revoke at any time. We currently provide 15% off for providing your email address for marketing communications.

How To Exercise Rights Under CCPA

California consumers or authorized agents may submit a request in one of the following ways:

1. By emailing us at:
2. By telephone at:

Verification. Before responding to your request, we must first verify your identity using the Personal Information you recently provided to us. You must provide us with your full name and the email address you use to interact with us. We will take steps to verify your request by matching the information provided by you with the information we have in our records. In some cases, we may request additional information to verify your identity, or where necessary to process your request. If we are unable to verify your identity after a good faith attempt, we may deny the request and, if so, will explain the basis for the denial.

Authorized Agent. You may designate someone as an authorized agent to submit requests and act on your behalf. Authorized agents will be required to provide proof of their authorization in their first

communication with us, and we may also require that the relevant consumer directly verify their identity and the authority of the authorized agent.

Updates to this CCPA Policy

Please refer to this CCPA Policy regularly as it may be revised due to legislative changes, changes in technology or our privacy practices or new uses of customer information not previously disclosed in this CCPA Policy. Revisions are effective upon posting. If you have any comments, concerns or questions about this CCPA Policy, please contact us.

Questions & Contact Information

If you would like to: access, correct, amend or delete any personal information we have about you, register a complaint, or simply want more information, contact us at marketingdept@plugpower.com.

Additional Information for Individuals Located in the European Economic Area or the United Kingdom

Legal Basis for Processing Your Personal Information Under GDPR

To process your Personal Information, we must have a legal basis for doing so. We may process your Personal Information under the following conditions:

- Performance of a Contract: when your Personal Information is necessary for the performance of an agreement that we make with you and/or for any contractual obligations thereof
- Legal Obligation: when your Personal Information is necessary for compliance with a legal obligation to which Plug Power is subject
- Legitimate Interests: when processing your Personal Information is necessary for the purpose of the legitimate interests pursued by Plug Power.
- Consent: you have given your consent for processing Personal Information for one or more specific purposes
- Vital Interests: when your Personal Information is processed in order to protect your vital interests or those of another natural person
- Public Interests: when your Personal Information is processed relating to a task that is carried out in the public interest or in the exercise of official authority vested in Plug Power

Your Data Protection Rights Under GDPR

In certain circumstances, you have the following data protection rights with respect to your Personal Information that we collect and process:

- The Right to Request Access. You have the right to access, update, or delete the information we have about you.
- The Right of Rectification. You have the right to have any incomplete or inaccurate information we hold about you corrected.
- The Right to Object. You have the right to object to our processing of your Personal Information.
- The Right to Restrict Processing. You have the right to request that we restrict the processing of your Personal Information.
- The Right of Erasure. In certain circumstances, you have the right to ask us to remove or delete your Personal Information.

- The Right to be Forgotten. You have the right to request that we delete your personal information, in certain situations.
- The Right to Transfer. Upon request we will provide you (or a third-party you have chosen) the Personal Information we have collected about you. Your Personal Information will be provided in a structured, commonly used, machine-readable format. Please note that this right only applies to automated information which you initially provided consent for us to use or where we used the Personal Information to perform a contract with you.
- Withdraw Your Consent. You have the right to withdraw your consent at any time where Plug Power relied on your consent to process your Personal Information.
- Be informed of your right to complain to a supervisory authority if you feel that We have not complied with applicable laws regulating your personal information (contact information for supervisory authorities may be found at: http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index_en.htm).

Please note that the above rights are not absolute, and We may be entitled to refuse requests where exceptions apply. For more information, or to make a request, please use the information below and provide your name, email address, request, and basis for your request.

As set forth in this policy, we process your information to comply with your request for information or services, with your consent, to comply with applicable laws and/or legal obligations, and for our legitimate purposes (including to enforce our policies, analyze technical issues relating to the Site, resolve disputes, improve your experience, and communicate with you regarding information, and products or services that may be of interest to you). We retain your personal information for as long as necessary to comply with your request, provide services, or as required by law, and generally for no longer than five years, or as necessary to comply with legal or contractual obligations and for our legitimate purposes.

Data Security

We have implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration, and disclosure.

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our Website. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Website.

Changes to Our Privacy Policy

This privacy policy is current as of the date set forth above. We may change, update, or modify this privacy policy from time to time, so please be sure to check back periodically. We will post any updates to this privacy policy here. If we make any changes to this privacy policy that materially affect our practices regarding our use of the Personal Information we have previously collected from you, we will endeavor to provide you with notice, such as by posting prominent notice on our Website. You are responsible for ensuring we have an up-to-date active and deliverable email address for you, and for periodically visiting our Website and this privacy policy to check for any changes.

Contact Information

To ask questions or comment about this privacy policy and our privacy practices, contact us at:

Marketing Department
Plug Power Inc.
968 Albany Shaker Rd.
Latham, NY 12210
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