

PRIVACY STATEMENT

Nodal Exchange LLC (“Nodal”) is committed to protecting the privacy of all individuals who utilize our site or services. Please read the following policy to understand how we collect, use and safeguard the information you may provide to us via this website (the “Site”) or other methods of communication. This policy may be revised from time to time, so please revisit this page often to remain fully informed of our policies.

WHAT INFORMATION DOES NODAL COLLECT FROM YOU?

Via the Site, Nodal collects from you: (i) personally identifiable information, and (ii) technical and other information.

- **Personally Identifiable Information.**

General Site Visitors - When you browse the non-password protected portions of the Site, you do so anonymously; no personally identifiable information is collected.

Registered Participants – At the time you become a registered participant of the Site and during its use, you may be asked to provide us your name, company name, address, phone number, facsimile number, email address, credit or financial information, and government issued identification number for such purposes as providing you with access to our online trading platform (“**Nodal Platform**”) and other services via the Site, and sending you information regarding the Site, products, services, clearing organizations, affiliates and/or business partners. Your provision of any personally identifiable information to us is voluntary. However, if you choose not to provide the information requested, certain services or elements of the Site may not be available to you.

Contacting Us – The Site permits you to contact us via email. Whenever you send an email via an email link on the Site, you may be providing us with your name, company name, email address, phone number and any information you choose to include in the text of your message. For example, you may choose to provide your mailing address or other information necessary or helpful for us to address your query or other concern.

- **Technical and Other Information.** While you are browsing the Site, we automatically log your IP address (a number assigned to your computer when you use the Internet) and your activity while using the Site. Additionally, in order to personalize and enhance your experience on the Site, we may also collect information through “cookies.” Cookies are small strings of text that are sent by the Site to your browser and then stored by your browser on your computer’s hard drive. We use cookies to help diagnose problems with our servers and to administer the Site. We also use cookies to gather broad demographic information and to help identify you in respect to visits to the Site so that we may improve your user experience, and to determine whether you visited the Site from a particular Internet link or advertisement. While a code in the cookie file enables the Site to label you as a particular user, including identifying you by name, address, or other personally identifiable information, such cookie files are encrypted in order to protect your information. Most web browsers automatically accept cookies, but it is possible to change your browser setup so that it does not accept cookies. However, rejecting cookies may prevent you from taking advantage of certain portions of the Site.

HOW DO WE COLLECT INFORMATION FROM YOU?

We collect, retain and use personally identifiable information from you on the Site by expressly requesting it from you (i) when you request information from us via email and (ii) at the time you become a registered participant of the Nodal Platform with Nodal.

HOW IS YOUR INFORMATION USED?

- **Our Use of Information.** We collect, retain, and use the information we collect via the Site for legitimate business purposes only, including without limitation the following: to qualify you or your company as a registered participant with access to the Nodal Platform and other password protected portions of the Site; responding to an inquiry from you or addressing a request submitted by you (including contacting you directly to request additional information to process your inquiry or request); contacting and providing you information regarding Nodal, our clearing organizations, and/or our business partners and affiliates; to correspond with you regarding the Site, products or services; to inform you of developments in our company or with our services that we believe may be of interest; to monitor Site visitor traffic patterns and Site usage; to comply with applicable laws, regulations and rules, and requests of relevant regulatory and law enforcement and/or other governmental agencies; to facilitate the services of our clearing organizations and/or firms assisting us with market monitoring activities; to enforce our Terms of Use; and/or to protect the rights, property, or safety of Nodal, our users, and others.
- **Sharing Information.** *We do not sell or rent your personally identifiable information to third parties.* We share your information only with our affiliates, clearing organizations, service providers and governmental agencies or as otherwise described herein in order to provide you with our services, and to comply with all applicable laws, regulations and rules, and requests of relevant regulatory and other governmental agencies. Also, we may share in aggregate, statistical form, non-personal information regarding the visitors to the Site, traffic patterns, and Site usage with our partners, affiliates or advertisers. In addition, we will disclose information we maintain, including personally identifiable information, when required to do so by law, or may disclose such information in response to a request from a law enforcement agency or authority.

MODIFICATIONS

We strive to maintain the accuracy of any personally identifiable information that may be collected from you, and will use our commercially reasonable efforts to respond promptly to update our database when you tell us the information in our database is not accurate. It is your responsibility to ensure that such information is accurate, complete and up-to-date. You may obtain from us, by email or mail, the information in our records and/or files. If you wish to make any changes to any personally identifiable information you have provided to us, you may do so at any time by contacting us at AccountManagement@NodalExchange.com, or for Registered Participants, by making edits directly using the Nodal Platform for any personally identifiable information maintainable thereon.

MAILING LISTS

When you register as a participant of the Nodal Platform, you will be automatically subscribed (at no charge) to our mailing list. If you choose to subscribe to the mailing list, we will periodically send to you newsletters, publications, links to our affiliates, and other information regarding the Nodal Platform and our services.

OPT OUT

You may opt out of receiving communications from us and our affiliates by following the opt-out link provided in any email received from us or by emailing us at info@nodalexchange.com.

CONSEQUENCES OF NOT PROVIDING INFORMATION

You may choose not to provide us with your personally identifiable information. However, choosing not to provide certain requested personally identifiable information may prevent you from accessing and taking advantage of certain services offered by Nodal.

CHILDREN

In compliance with the Children's Online Privacy Protection Act, 15 U.S.C. §§ 6501-06 and 16 C.F.R. §§ 312.1-312.12, the Site does not permit children under 13 years of age to become users, and we do not collect information from children. By using the Site, you represent that you are not under 13 years of age.

THIRD PARTY WEBSITES

Nodal may reference or provide links to third party websites. We are not responsible for the third party websites, and you should review the privacy policies posted on such sites. Please be aware that Nodal does not control, nor are we responsible for, the privacy policies or information practices of third parties or their websites.

PROTECTING YOUR PERSONALLY IDENTIFIABLE INFORMATION

Nodal employs security systems to protect the information we receive from you from unauthorized disclosure. If you are a registered participant, you should not share your password with anyone. In addition, if you suspect unauthorized access to your information, it is your responsibility to contact Nodal immediately. Nodal personnel will never ask you to divulge your password in written or electronic communications. For Registered Participants, however, Nodal personnel may ask security questions for verification purposes. Please be aware that Internet data transmission is not always secure and we cannot warrant that information you transmit utilizing the Site is secure. Because security is important to both Nodal and you, we will always make reasonable efforts to ensure the security of our systems.

BUSINESS TRANSFER

Nodal may, in the future, sell or otherwise transfer some or all of its assets to a third party. Your personally identifiable information and/or technical information we obtain from you via the Site may be disclosed to any potential or actual third party purchasers of such assets and/or may be among those assets transferred.

ACCEPTANCE OF THESE TERMS

This Privacy Statement is incorporated into and subject to the terms of the Nodal Terms of Use. If you do not agree to the terms of this Privacy Statement, please do not provide us with any information and do not use the Site. By using the Site and voluntarily providing your personally identifiable information to us, you consent to the collection and use of such personally identifiable information as set forth in this Privacy Statement.

EFFECTIVENESS

This Privacy Statement is effective as of October 1, 2008. We reserve the right, at any time, to modify, alter, or update this policy, and any such modifications, alterations, or updates will be effective upon posting. In the event we modify this Privacy Statement, your continued use of the Site will signify your acceptance of the modified Privacy Statement.

QUESTIONS?

Questions regarding this Privacy Statement should be directed to Nodal Exchange Legal Department at *legal@nodalexchange.com*. Nodal may also be contacted directly at the following address and phone number:

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