

CUSTOMER PROPRIETARY
NETWORK INFORMATION

(“CPNI”)

PROTECTION POLICY

Broadview Networks Holdings, Inc.

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10573 For More Information, Contact:

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Phone: 610-755-4336

Email: Bcoughlin@broadviewnet.com

Employees, contractors, agents, affiliates and partners of Broadview are obligated to protect the confidentiality of customer information. Customer information obtained by Broadview by virtue of its provision of telecommunications service may be considered Customer Proprietary Network Information (“CPNI”), and be subject to legal protection under Federal and state law and regulations. Broadview supports these laws and regulations, and requires that its employees, company/legal agents and affiliates comply with the policy set forth in this document.

See Glossary at the end of this document for meanings of underlined terms.

BROADVIEW CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI) POLICY

I. WHAT IS CPNI?

CPNI is defined by Federal statute:

The term “customer proprietary network information” means—

(A) information that relates to the quantity, technical configuration, type, destination, location and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and

(B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier;

except that such term does not include Subscriber List Information.

47 United States Code § 222(h)(1).

CPNI includes most information we collect about a customer because of their purchase of telecommunications services from us; this includes:

- Information about the *types* of service a customer buys, such as the technical configuration, destination and location of services a customer purchases from Broadview. This may include design layout reports, service addresses, originating and terminating locations, circuit speed and capacity, etc.
- Information about the *amount* of service a customer purchases from Broadview. For example, this may include the number of lines, circuits, calls, minutes, or the amount of equipment, subscribed to by the customer.
- Information about a customer’s *usage* of telecommunications services, including numbers called, calls received, and optional features utilized.
- Information contained in a bill sent to the customer by

Broadview CPNI does *not* include:

- Information that was not obtained by Broadview by virtue of its carrier-customer relationship with the customer. For example, market information that the company may purchase from an outside source that happens to include data concerning one of Broadview’ customers. However, information we obtain from a Broadview affiliate that also provides service to a customer is deemed to be CPNI.

- Subscriber List Information. This is defined term under Federal law, and it means any information of a Broadview subscriber (such as name, address, telephone number or classification) that the company or an affiliate has published, caused to be published, or accepted for publication in a directory. While Subscriber List Information is not CPNI, Broadview does require that third party vendors, partner and sales and marketing agents maintain the confidentiality of this information.

II. How May CPNI Be Used *Without* The Customer’s Approval?

- CPNI may always be used to provide the telecommunications service that the customer has purchased (such as customer service and repair), or to provide services necessary to, or used in, the provision of such telecommunications services, including the publishing of directories.
- Broadview may use CPNI, without notice or approval, to bill and collect for services rendered, and to protect the company’s rights and property (including fraud control).
- Aggregate Customer Information may be used without restriction. However, if the company uses Aggregate Customer Information for purposes other than providing telecommunications services, it must make the same aggregate information available to other parties upon request, on reasonable and non-discriminatory terms and conditions.
- For wire line service, CPNI may be used, without notice or customer approval, for the provision of customer premise equipment (“CPE”), call answering, voice mail or messaging, voice storage and retrieval services, fax storing and forwarding services and protocol conversion.
- CPNI may be used, without notice or approval, for marketing Broadview’ services within a category of services to which the customer already subscribes as the FCC recognizes three (3) categories of telecom services: local, inter-exchange and CMRS (mobile wireless) service. This is known as the “Total Services Approach.” Therefore, if a customer already subscribes only to Broadview’ local service, the company may, without notice or approval, use that customer’s CPNI for the purpose of marketing additional local services (but not inter-exchange or CMRS service).
- CPNI may also be used to provide customer information required by a Public Safety Answering Point (PSAP), *i.e.*, emergency call takers.

III. HOW MAY CPNI BE USED WITH THE CUSTOMER'S APPROVAL AND HOW THAT APPROVAL MUST BE OBTAINED

There are a number of circumstances under which it is permissible for Broadview to use CPNI as long as the customer has approved such use. Where customer approval is required, Broadview must use either opt-out and opt-in approval as described below.

A. Opt-Out Approval

- The “opt-out” approval method requires that the customer receive an individual notice (by written or electronic means) that the company intends to use the customer’s CPNI. Such notices must be sent by the company 30 days before the customer’s approval to use CPNI is inferred (33 days for notices sent by mail). If the customer communicates to Broadview that use of the CPNI is not approved, the company will honor that customer’s decision to “opt-out.” In limited cases, oral approvals may be allowed, as described below in the section entitled *Special Requirements Applicable to One-Time Oral Notices to Customers*.
- If the company elects to send opt-out notices by e-mail, the customer must previously have agreed to receive e-mails regarding their account. The subject line of the e-mail must clearly and accurately identify the subject (e.g. “Privacy of Your Phone Records”), and the customer must have the option of replying directly to the e-mail. If the e-mail is returned as undeliverable, Broadview may not use the customer’s CPNI until the required notice is given by another means. If the company elects to send opt-out notices by e-mail, the customer must be able to opt-out at no cost and be able to notify the company of his or her decision on a 24-hour/7-day-per-week basis.
- Opt out approval must be refreshed every two years by sending a new notice, with a new 30 or 33 day waiting period for approval.
- If the customer has received notice and has given approval by the “opt-out” procedure described above, CPNI may be used by Broadview, its affiliates, subsidiaries and legal/company agents, to market Broadview’s Communications-Related Services.

B. Opt-In Approval

- Opt-in Approval requires Broadview to obtain from the customer an affirmative, express consent—in oral, electronic or written form—allowing the requested CPNI usage, disclosure or access, after receiving appropriate notification as described in Section IV below.
- Although customer approvals under the opt-in method may be obtained orally, Broadview allows oral approvals only with written authorization of the company’s management. If oral approval is received, the burden will lie on the company to show that the customer received all of the information that would otherwise have been required in writing, and gave the necessary approval.

- Opt-in consent must be obtained if Broadview, its agents or affiliates or an unrelated third party uses a customer's CPNI to market a non-Communications-Related Service.
- Opt-in consent also must be obtained if a third party agent, vendor or contractor uses CPNI to market any service, including a Communications-Related Service, to a customer.

IV. Notice Requirements Applicable to both the Opt-In and Opt-Out Methods of Approval

- Opt-In and Opt-Out Notices to customers must be clearly written, legible, and provide sufficient information to enable the customer to make an informed decision to allow or deny use of CPNI. The company must describe what CPNI is, how it is proposed to be used by the company, and what specific entities may receive the CPNI if approval is granted. Although the notice may advise the customer that use or disclosure of CPNI will enhance Broadview' ability to provide services to the customer, the notice must also state that the customer has the right, and Broadview has the duty under Federal law, to protect the confidentiality of CPNI. The customer must be informed of his or her right to deny or later withdraw approval of Broadview' proposed use of CPNI, and also be advised of the precise steps that must be taken in order to grant or deny approval of such use. Customers must be notified that denial of access to CPNI will not affect the provision of any services to which the customer subscribes.

V. When Is Broadview Required To Disclose CPNI?

- Broadview must provide CPNI to any person designated by the customer, upon receipt of an affirmative written request from the customer. In general, the company cannot encourage a customer to freeze third-party access to CPNI.
- When required by law. If you believe Broadview is required by law, such as through a subpoena or other request from law enforcement, to disclose CPNI, you must notify the below contact immediately.

Broadview – Legal
Attn: Brian E. Coughlin
1018 West Ninth Avenue
King of Prussia, PA 19406
Fax #610-755-3316
Phone: 610-755-4336
CPNI@broadviewnet.com

VI. Special Requirements Applicable to One-Time Oral Notices to Customers

- In general, one-time oral notices are appropriate when the company has made a one-time inbound or outbound telephone contact with the customer and access to CPNI is useful to analyze the customer's existing service. In such cases, Broadview may use oral notices to obtain limited, one time use of CPNI only for the duration of the call, irrespective of whether the company uses opt-out or opt-in approval with respect to that customer. When using the one time oral notice method, the customer must be advised of the same information that would otherwise be provided in a written or electronic notice as provided above. However, certain information may be omitted from the oral notice, if it is clearly inapplicable, including: (a) notice that CPNI will be shared with affiliates or third parties; (b) the specific steps that are necessary to approve or restrict use of CPNI; and (c) notice that previous opt-out decisions require no further action to maintain the opt-out election. Notation should be made in the customer's record of any one-time oral notice to the customer and the customer's acceptance or rejection of one-time use of CPNI.

VII. When Must A Customer Be Authenticated?

A customer must be authenticated *when the customer initiates a call to Broadview and asks for CPNI* in the context of that telephone call.

- Broadview will not share CPNI with customers on customer-initiated calls without authenticating the customer first. In the case of CPNI other than Call Detail Information, this authentication should involve confirming that either (i) the customer already has substantial knowledge about the account (e.g., account numbers, passwords (if applicable), the type of existing services provided by Broadview to the customer, the fact that an outage or service trouble may exist with respect to a particular service and is being reported by the customer) or (ii) is otherwise already known to the Broadview employee as a representative of the customer (e.g., a customer's vendor relations manager or a customer's service technician who has called previously to report service troubles).
- With respect to Call Detail Information, if **any** customer requests to obtain such usage information on an inbound call – such as numbers called, calls received, time, location, or duration of any calls, and optional features utilized – no such information may be given to the calling customer over the phone unless Customer has provided the account password. Instead, **all** Broadview representatives only will send Call Detail Information to the customer at the customer's physical or electronic address of record or telephone number of record so long as those records have been associated with the customer's account for at least thirty (30) days.
- Nothing prevents a Broadview employee from discussing Call Detail Information with a customer *where the customer provides that information and the conversation is limited to such customer-provided call detail information.*

VIII. How To Verify A Customers Approval And Obtain Supervisory Approval For Proposed Outbound Marketing Efforts

A. Customer Approval Database

- Broadview maintains a database that identifies whether or not a Customer has given approval for access to its CPNI. Employees, company agents and affiliates are obligated to use that database before using, disclosing or permitting access to customers' CPNI and these persons can obtain the information in this database by contacting: Brian Coughlin, Broadview Networks, 1018 West Ninth Avenue, King of Prussia, Pa 19406. Phone: 610-755-4336, Fax: 1-610-755-3316, Email: Bcoughlin@broadviewnet.com
- Company employees, agents and affiliates are prohibited from using, disclosing or permitting access to CPNI of any customer who is not listed in the database as having given approval. Moreover, any parties with access to CPNI have an obligation to protect CPNI from unauthorized access by other parties. Disciplinary action may result from violation of this prohibition.
- Please report any inaccuracies found in the customer approval database promptly to: Brian Coughlin, Broadview Networks, 1018 West Ninth Avenue, King of Prussia, Pa 19406. Phone: 610-755-4336, Fax: 1-610-755-3316, Email: Bcoughlin@broadviewnet.com

B. Supervisory Review Required Before Making A Request For Customer Approval

- Company employees, agents and affiliates must obtain supervisory review before making any request to a customer to use, disclose or permit access to CPNI. All requests for such review should be directed to the unit supervisor. The review shall ensure that the requirements of this policy statement are followed.
- Notwithstanding the above, Customer Service Representatives (CSR) who receive inbound calls from customers shall be allowed to access CPNI after receiving oral permission from the customer if the customer can provide specific detail about the reason for their call (e.g. when disputing a phone charge, if the customer provides date/time of the charge in question, the CSR can discuss that charge), and such permission shall be limited to the duration of the call. The CSR shall note on the account that the customer gave one-time oral permission to access CPNI, and that the permission ended when the call ended.

IX. CONFIDENTIALITY AGREEMENTS WITH CONTRACTORS AND JOINT VENTURE PARTNERS

Broadview will share CPNI with a partner, vendor contractor or third party agent only after that person or entity has entered into a confidentiality agreement with the company. The confidentiality agreement must include the following:

- Require that the partner, contractor or agent use the CPNI only for the purpose of marketing or providing the Communications-Related Services for which it was provided;
- Disallow the partner, contractor or agent from using, allowing access to or disclosing the CPNI to any other party, unless required to make such disclosure under force of law; and
- Require that the partner, contractor or agent have appropriate protections in place to ensure the ongoing confidentiality of the customer's CPNI.

All such agreements must be approved by the General Counsel.

- All third parties, including partners, vendor contractors or third party sales and marketing agents are prohibited from using CPNI for marketing purposes.

X. RETENTION AND WIN-BACK

A. Restrictions on use of Carrier Proprietary Information to retain customers.

- If the company learns by receipt of another carrier's order to switch the customer, or another carrier's change request, that a customer plans to switch from Broadview to another carrier, Broadview prohibits its employees, agents, contractors or affiliates from using that information to attempt to dissuade the subscriber from leaving.
- All Broadview employees, legal/company agents, or affiliates are prohibited from accessing a customers' call records for the purpose of identifying customers who may have called or been called by any of our competitors.
- Subject to this policy statement on use of CPNI, if the company learns that a customer is switching to another carrier through an independent source (*e.g.*, from a communication received directly from the customer or another independent source), CPNI may be used to persuade the customer to stay with Broadview.

B. Win-back

- Subject to this policy on the use of CPNI, and as permitted by applicable Federal and state laws, Broadview permits marketing campaigns to win back former customers that have switched to other carriers. If CPNI is used as part of a "win-back" campaign, it continues to be governed by this policy statement.

If a Broadview employee, legal/company agent or affiliate has any questions concerning whether it is appropriate to use CPNI or CPI to market, retain or win-back customers please contact: Brian Coughlin, Broadview Networks, 1018 West Ninth Avenue, King of Prussia, Pa 19406. Phone: 610-755-4336, Fax: 1-610-755-3316, [Email: Bcoughlin@broadviewnet.com](mailto:Bcoughlin@broadviewnet.com)

XI. TRAINING AND REPORTING

A. TRAINING REQUIREMENTS

- Broadview will provide a means for all its employees, legal/company agents and affiliates to receive training in the proper uses of CPNI, including a familiarity with this policy statement. *Please note that training and understanding with respect to proper use and protection of CPNI is critical, as failures to comply with any part of this policy may result in disciplinary action.* Anyone who has not received the required training should contact: Training Director 2100 Renaissance Boulevard, King of Prussia, Pa 19406, Phone: 610-755-4000:

B. REPORTING REQUIREMENTS

- Steven Bogdan, Broadview Networks, 2100 Renaissance Boulevard, King of Prussia, Pa 19406, Phone: 610-755-4877, [Email: Sbogdan@broadviewnet.com](mailto:Sbogdan@broadviewnet.com) is responsible for all government reporting requirements in connection with CPNI.

Broadview will provide a written report to the Federal Communications Commission (“FCC”) of any instance in which the opt out method has failed to work properly, to such a degree that consumers’ inability to opt-out is more than an anomaly. The company’s report will be filed with the FCC within five business days after learning of such failure. Any employee who becomes aware of any malfunction in the opt out system should immediately report it to Broadview is subject to strict reporting obligations to certain Federal authorities as soon as practicable in connection with maintenance, use, disclosure, breach or misuse of CPNI. *If you are aware of any malfunctions, discrepancies, or other concerns with respect to the “opt out” processes described in this policy, or if you become aware of any unauthorized disclosure of CPNI or breach of any database containing any CPNI, you must immediately report such information to Brian Coughlin, Broadview Networks, 1018 West Ninth Avenue, King of Prussia, Pa 19406, Phone: 610-755-4336, Fax: 610-755-3316, [Email: Bcoughlin@broadviewnet.com](mailto:Bcoughlin@broadviewnet.com)*

- *You must also promptly confirm receipt of the email notification by the legal department.*

C. NOTIFICATION OF ACCOUNT CHANGES

- In the event that a customer’s password, if any, back-up means of authentication for lost or forgotten passwords, if any, online account or address of record is created or changed, Broadview will provide notice to that customer immediately by contacting the customer at their address of record or telephone number of record. This notification will not reveal the changed information or be provided to the customer at the changed

address or telephone number. This notification is not required when a customer initiates services, including selection of a password at service initiation.

XII. RECORD-KEEPING REQUIREMENTS

Broadview will maintain records of customer approval to use, access or disclose CPNI, whether oral, written or electronic, for a minimum of one year. A customer's approval or disapproval will remain in effect until the customer revokes or limits such approval or disapproval. These records are generated by adding to a database each customer who does not approve the use of CPNI. This database is maintained by Brian Coughlin, Broadview Networks, 1018 West Ninth Avenue, King of Prussia, Pa 19406, Phone 610-755-4336, Fax: 1-610-755-3316, [Email: Bcoughlin@broadviewnet.com](mailto:Bcoughlin@broadviewnet.com)

- All customers who request that their accounts be CPNI restricted shall have a prominent indicator noted on all systems that permit account access.
- Broadview will maintain records of all sales and marketing campaigns that involve the use, disclosure or giving of permission for access to customers' CPNI, including those of the company's affiliates or third parties. Such disclosure shall only be of customers who have given their explicit opt-in consent to disclose to third parties. All such records will include a description of the campaign, identification of the CPNI used, and a listing of the products and services being offered to customers. One-time uses of CPNI are not generally considered to be sales or marketing campaigns, and individualized records of such one-time uses are not required, except that every disclosure of CPNI to a person or entity outside of Broadview must be documented and recorded with the same information that would be required in a sales or marketing campaign. The records required under this paragraph will be maintained for a minimum of one year. Records will be maintained and approved by the Office of General Counsel. Broadview must maintain a record for a minimum of one year of its supervisory review process associated with any outbound marketing campaigns that use its customers' CPNI.
- Broadview must maintain a record, electronically or in some other manner, of any breaches discovered, notifications made to the U.S. Secret Service and the FBI and of notifications made to customers. The record must include, if available, dates of discovery and notification of the breach, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach. Broadview must retain the record for a minimum of 2 years

GLOSSARY

“Aggregate Customer Information” means collective data that relates to a group or category of services or customers, from which individual customer identities and characteristics have been removed

“Call Detail Information” means any information that pertains to the transmission of specific telephone calls including, for outbound calls, the number called, and the time, location, or duration of any call and, for inbound calls, the number from which the call was placed, and the time, location, or duration of any call.

“Carrier Proprietary Information (CPI)” means a request from one carrier to another to *switch* a customer.

“Customer Proprietary Network Information (CPNI)” means (a) information that relates to the quantity, technical configuration, type, destination, location and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and (b) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; except that such term does not include subscriber list information.

“Communications-Related Services” means telecommunications services, information services typically provided by telecommunications carriers, and services related to the provision and maintenance of customer premises equipment. Information services that are typically provided by telecommunications carriers include Internet access and voice mail services. Retail consumer services provided by use of Internet websites (such as travel reservation services or mortgage lending services), are not typically provided by telecommunications carriers and are not considered to be Communications-Related Services, whether or not such services may otherwise be considered to be information services.

“Subscriber List Information” means any information of a Broadview subscriber (such as name, address, telephone number or classification) that the company or an affiliate has been published, caused to be published, or accepted for publication in a directory.

“Telecommunications Carrier or Carrier” has the meaning set forth in Section 3(44) of the Communications Act of 1934, as amended. Generally, a telecommunications carrier is a provider of transmissions services directly to the public for a fee, between or among points specified by the user, without change in the form or content of the information as sent and received.