

STC Gardenwalk LPR Usage and Privacy Policy
Stationary LPRs

California
Stationary LPRs

STC Gardenwalk
Automated License Plate Readers - Usage Terms and Privacy Policy

STC Gardenwalk use of the LPR System.

STC Gardenwalk LLC and its parking contractors (“**Parking Contractors**” and together with STC Gardenwalk “**Operators**”) use automated license plate readers (“**LPRs**”) in STC Gardenwalk provision of parking lot access and exit (collectively “**Parking Services**”) at STC Gardenwalk (collectively “**Property**”) available to guests visiting the Property with the intention to shop, dine, attend an event, or visit local hotels, theme parks and surrounding attractions, and or book long term parking. This License Plate Reader Usage and Privacy Policy (“**LPR Policy**”) describes how Operators will collect, use and disclose information collected in connection with the LPRs. By utilizing the Parking Services or electing to walk on the Property, you agree to, and agree to comply with, the terms of STC Gardenwalk LPR Policy and terms.

The following communicate how STC Gardenwalk (“our”, “we”, “us”) uses the LPR system. **Please read the LPR Policy carefully as it contains important information, including how any disputes must be resolved through arbitration or small claims court.**

1) DATA COLLECTED

The LPRs use stationary cameras to capture a still photograph (“**Images**”) of vehicle license plates when entering and exiting the Property, and collect the license plate number/characters, date, and time that the data was collected (collectively with Images, the “**LPR Data**”). No personal information is collected through the LPR's at the Property. The LPRs’ point of focus is the vehicles’ license plate numbers only. People with a vehicle, around a vehicle are not the point of focus or captured in any image unless that person is walking in front of the license plate location of a vehicle at time of camera Image trigger. The LPR Data is secured into a software program operated by Operators and hosted by and licensed from Flash Parking, LLC (“**FlashParc**”) the Operator of the LPR Controller. Operators DO NOT have the capability to add additional information (“**Operator Data**”) into the system; Operator Data, LPR Data, and the system are collectively the “**LPR Controller**”.

2) PURPOSES/SHARING DATA/CITATIONS

To provide efficient exiting for parking guests. Stationary LPR cameras gather an Image of a license plate as a vehicle pulls a ticket at an entrance lane. The ticket number received is then attached to the license plate Image taken by the LPR camera. Upon return to an exit lane of the parking garage and LPR camera takes an Image of the license plate to determine if the ticket pulled at entry was paid before enter the exit lane. If a parking guest elects to pay for their parking before entering an exit lane the LPR camera identifies the payment and initiates the exit gate to raise automatically. STC Gardenwalk DOES NOT uses or share information collected (Images or license plate numbers) from the LPR Dashboard for any purposes nor to any third parties.

A. Government Agencies, Law Enforcement, and Courts. Personal information is not gathered through the LPR on this Property. Only if required by law may Operators share the LPR Dashboard information (Image of license plate or license plate number) with law enforcement agencies, or government entities to comply with laws, regulations, court orders and subpoenas, and other similar requests for information by authorities only.

B. Other Legitimate Uses.

Although unlikely, Operators may use the LPR Dashboard if we believe such use is necessary to enforce STC Gardenwalk rights to protect the safety of Shoppers and other guests, or to assist us in fraud prevention or investigation and to maintain the LPR system for the stated purposes. The information collected by Operators is limited to still Images and license plate numbers, with no other systems to recover personal information through a license plate number, vehicle VIN number or other means.

C. Parking Management and Parking Assistance. Operators DO NOT use the LPR Dashboard, in conjunction with other information, to monitor, prevent, and remedy unauthorized use of our Parking Services. These services are completed through the use of the general security surveillance cameras on the Property.

Operator Data only includes license plate numbers and still Images of license plates. There is NO information collected and or stored by the LPR pertaining to personal information, or people employed by tenants of the Property ("**Employee Data**") as well as data related to security matters (e.g., vehicle information and reference numbers concerning past security incidents). Although of no correlation to the LPR system on the Property - questions concerning towing or citations may be directed to the Parking manager. Questions concerning designated employee parking may be directed to the Parking manager, or an employee of a Property merchant or tenant may consult with their employer and reference the employee parking designated in a separate designated parking area not covered by LPR.

D. Parking Assistance. If requested by a vehicle owner, we may assist them in locating their car.

3) AUTHORIZED USERS OF THE LPR SYSTEM/RECORD OF ACCESS/MONITORING THE LPR SYSTEM AND THE LPR DATA

Authorized users of the LPR Controller are FlashParking (FlashParc) only. LPR Dashboard users (limited information stored) may include the following people working for STC Gardenwalk, which has an ownership interest in the Property: Property Manager, or Parking Manager. Although limited information is stored for access by Operators no other parties are authorized to have use of the LPR Dashboard, or LPR Controller. FlashParking as the licensee, may also access the LPR Dashboard. FlashParking is responsible for providing or limiting access. The General Property Manager of STC Gardenwalk and Parking Manager ("Custodians") are the official custodians of the LPR Data and is responsible for how it is used by the Operators. No other parties are authorized to use and access the LPR Dashboard.

4) RETENTION AND DESTRUCTION OF DATA CAPTURED BY THE LICENSE PLATE READERS

The limited data - still Images of license plate numbers is collected by the LPR system and will automatically be deleted after 2 weeks; although Images are deleted when no longer needed, the data obtained from the Images may be retained indefinitely. Should any information from the LPR Dashboard be needed to assist with a security or law enforcement matter, it may be retained indefinitely, in paper and electronic form, as part of the security file until it is determined it is no longer needed; in addition, it may be shared with local law enforcement who may retain it in accordance with their own retention policy. LPR Data may also be retained for a longer period if required by law or other legal process. Any information in the LPR Dashboard that is required to be shared with a law enforcement agency is subject to that agency's applicable policies.

5) ARBITRATION & CLASS ACTION WAIVER By using the Parking Services in any way, you unconditionally consent and agree that: (1) any claim, dispute, or controversy (whether in contract, tort, or otherwise) you may have against the officers, directors and employees of STC Gardenwalk and its parent, subsidiaries, affiliates (all such individuals and entities collectively referred to herein as the **"Company Entities"** or singularly as **"Company Entity"**) arising out of, relating to, or connected in any way with the Parking Services, LPR systems, or the determination of the scope or applicability of this agreement to arbitrate, will be resolved exclusively by final and binding arbitration administered by an appointed arbitrator and conducted before a sole arbitrator in accordance with the laws of the State of California for arbitration, and as modified by this agreement to arbitrate; (2) this arbitration agreement is made pursuant to a transaction involving interstate commerce, and shall be governed by the Federal Arbitration Act ("**FAA**"), 9 U.S.C. §§ 1-16; (3) the arbitrator's decision shall be controlled by this LPR Policy and any of the other agreements that the applicable user may have entered into with the Company Entities; (4) the arbitrator shall apply California law consistent with the FAA and applicable statutes of limitations, and shall honor claims of privilege recognized at law; (5) there shall be no authority for any claims to be arbitrated on a class or representative basis; arbitration can decide only your and/or the applicable Company Entity's individual claims; the arbitrator may not consolidate or join the claims of other persons or parties who may be similarly situated; (6) the arbitrator may award declaratory or injunctive relief only in favor of the individual party seeking relief and only to the extent necessary to provide relief warranted by that party's individual claim without affecting other individuals; (7) the arbitrator shall not have the power to award punitive damages against you or any Company Entity; (8) and (9) with the exception of subpart (5) above, if any part of this arbitration provision is deemed to be invalid, unenforceable or illegal, or otherwise conflicts with California law, then the balance of this arbitration provision shall remain in effect and shall be construed in accordance with its terms as if the invalid, unenforceable, illegal or conflicting provision were not contained herein. If, however, subpart (5) is found to be invalid, unenforceable or illegal, then the entirety of this Arbitration Provision shall be null and void, and neither you nor the Company Entities shall be entitled to arbitrate their dispute.

ACCORDINGLY, YOU ACKNOWLEDGE THAT YOU MAY NOT HAVE ACCESS TO A COURT, TO CLASS OR REPRESENTATIVE PROCEDURES, OR TO A JURY TRIAL. Notwithstanding any other provision of the LPR Policy, the Company Entities may

resort to court action for injunctive relief at any time. Further, notwithstanding any other provision of the LPR Policy, you and the Company Entities may mutually agree to resolve any claim, dispute or controversy in small claims court.

6) UPDATES/EXCLUSIONS/ACKNOWLEDGEMENT

STC Gardenwalk LLC reserves the right to update this LPR Policy from time to time. Any changes to the LPR Policy will be posted to the Mall website. Therefore, please read this LPR Policy prior to utilizing the Parking Services. This LPR Policy only applies to LPR system at the stated parking facility, it does not pertain to information collected by STC Gardenwalk LLC or its affiliated companies, in any other manner. You acknowledge that STC Gardenwalk has privacy policies and terms; and should you wish to communicate with STC Gardenwalk you must contact them directly.

This policy pertains to data collected automatically from the LPR system. We reserve the right to update this policy.

License Plate Readers – Usage and Privacy STC Gardenwalk

What is the Purpose?

STC Gardenwalk utilizes License Plate Reader (LPR) technology for the purposes of providing quick and efficient exiting for parking patrons. LPR data is NOT used by STC Gardenwalk or third parties for marketing solicitations or target marketing.

Parking Program

LPR technology is used to help identify patron vehicles that have paid prior to entering an exit lane. This helps us maintain quick and efficient exiting of vehicles for our customers.

- LPR technology is used to help identify any vehicle that has completed payment of their parking prior to returning to an exit lane. Parking on our private property while going to other places not associated with the business IS allowed.
- This LPR technology can not capture personal information. Still Images and license plate numbers captured in an image is the limited to this Property LPR system.

Crime Prevention and Investigation

LPR data may be shared with local law enforcement for the purposes of detecting stolen vehicles, stolen license plates ONLY if required by law.

- LPR may be used to detect vehicles known to be associated with vehicles that have been banned from the property.
- LPR may be used to assist in detecting vehicles that are suspected of being associated with a recent crime or investigation.
- LPR data may be used to assist law enforcement with criminal investigations.

Collection and Use of LPR Data:

LPR data (still Image of license plate only) is collected automatically by a mixed LPR camera when a vehicle entering pulls a ticket from an entrance lane to the parking garage. LPR Data is also collected when a vehicle enters into an exiting lane of the parking garage. The still image is translated into a license plate number, correlated with the parking ticket number pulled at entrance, thereafter LPR image taken at exit is match by the LPR system to determine if the parking ticket has been paid prior to departure.

- The LPR system must be turned on at the time.
- LPR reads are not 100% accurate.
- We can never expect the LPR system to provide 100% inventory of all vehicles in the parking lot at any specific time.

Data Reads and Detection:

- Data reads include the license plate number, a photograph of the license plate (which may include close proximity parts of vehicle directly surrounding the license plate), and the time of date of the read (collectively, "LPR Data"). This same information can be observed by any person walking through the parking lot. Additional personally identifiable information IS NOT captured or paired with license plate reads in the LPR system.
- The LPR system is programmed to automatically delete LPR Data from the system after 2 weeks if the vehicle is not associated with a parking violation or action item concerning STC Gardenwalk security or crime prevention, if a vehicle is associated with a parking violation or action item it will generally be identified within a separate security camera system, thereafter deleted from the LPR system. Additionally, we may keep LPR Data (license plate number) in a separate file if it relates to a specific security or parking matter, we do this for the purpose of managing or investigating that specific matter, claim, or issue. No personal information is collected therefore can never be retained or stored.
- We will share LPR data if required by a Court Order. For certain mall security investigations, we may share LPR Data with law enforcement to assist us with investigations. Additionally, The LPR system allows us to give Parking Manager permission to share LPR Data with local law enforcement agencies and typically we grant such permission to the police department that serves in STC Gardenwalk. In such instances, the local law enforcement agency will not have direct access to the LPR system for their lawful purposes and their privacy policy governs their use of the data. Data must be required by law, thereafter specific data provided to law enforcement, but nothing more.
- Our contractors and personnel with access to the LPR system include the on-site property management, and Parking Management that can operate the system at STC Gardenwalk and these people are trained to use the system and comply with the policies that govern the program and each have a unique user name and password and a record of access is maintained by the LPR system.
- The LPR system is not operated by any party at any time unless specific information is needed. The LPR system is an automated photograph program that captures one Image at entrance and exit of a vehicle's license plate in order to confirm if parking payments have been completed prior to arriving in the exiting lane.
- FlashParking LLC engaged the Operator of STC Gardenwalk, and the Operator uses tools to retrieve data and monitor the system when needed. Periodic audits are conducted by FlashParking of its LPR system.
- Our Parking Contractor is trained by their managers and are trained in system security and privacy protocol including handling of information.
- Our Parking Contractor takes reasonable measures to monitor and maintain the security of the LPR System and have calendared system reviews.

FlashParking is the official custodian of the LPR Data and is responsible for how LPR Data and system is used by our company and our paid Parking Operator.

Who can I contact if I have a question?

- If you have questions regarding the LPR program, please contact the Parking Contractor.

This policy pertains to license plate data collected automatically from the LPR system. We reserve the right to update this policy.