



# CUSTOMER PROPRIETARY NETWORKING INFORMATION (“CPNI”) PROTECTION POLICY

For More information, Contact Wendy Cassity, General Counsel  
(the “CPNI Compliance Officer”)

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

## Introduction

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

### **I. What is CPNI**

#### **A. 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).

#### **B. 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 ZAYO. 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 ZAYO. 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 ZAYO.
- Subscriber names, addresses and telephone numbers. Because the term "Subscriber List Information" is defined under Federal law to mean any information of a 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*, and ZAYO does not publish its subscriber information in any directory, ZAYO's lists of subscriber names, addresses and telephone numbers are considered CPNI.

**C. CPNI does *not* include:**

- Information that was **not** obtained by ZAYO 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 ZAYO's customers. However, information we obtain from an affiliate of ZAYO that also provides service to a customer is deemed to be CPNI.
- Subscriber List Information. This is defined under Federal law as any information of a ZAYO 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. ZAYO does not acquire Subscriber List Information about its customers at this time.

**II. Restrictions on Use of CPNI**

**A. 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, or to provide services necessary to, or used in, the provision of such telecommunications services.
- ZAYO 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) or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.
- 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.
- CPNI derived from the provision of local exchange service or interexchange service, may be used, without notice or customer approval, for the provision of customer premise equipment ("CPE") and 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 ZAYO's services *within a category of services to which the customer already subscribes*. The FCC recognizes three (3) categories of telecom services: local, interexchange and CMRS (mobile wireless) service.

Therefore, if a customer already subscribes to ZAYO's local bandwidth service, the company may, without notice or approval, use that customer's CPNI for the purpose of marketing additional local services (but not interexchange or CMRS service).

- CPNI may be used, without customer approval, to provision inside wiring installation, maintenance, and repair services.
- CPNI may be used, without customer approval, to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer- provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features.

#### **B. How may CPNI be used *with* the customer's approval?**

- CPNI may be used to market ZAYO's Communications-Related Services, and may be disclosed to ZAYO's affiliates, as well as the company's third- party agents and joint customer has received notice and has given approval by the -opt out procedure. (See Section III(A)). Specific requirements apply to how customer notices must be given (see Section II(A)), and the rules pertaining to -opt out approval must be closely observed.
- CPNI may be used to assist with any inbound telemarketing or administrative service for the duration of the customer's call, if the customer orally approves use of CPNI in this manner.
- CPNI may be disclosed to (1) ZAYO's third party agents and joint venture partners providing Communications-Related Services and (2) unrelated third parties and affiliates that *do not* provide Communications-Related Services *only* if the customer's consent is obtained by the "opt-in" procedure. (See Section III(B)). ZAYO does not ordinarily disclose CPNI to third parties, and any such disclosure cannot be made without express approval of the CPNI Compliance Officer in addition to customer consent obtained by the "opt-in" procedure.

#### **C. When is the company *required* to disclose CPNI?**

- ZAYO 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. Any search warrants, subpoenas and other legal demands for customer information must be immediately referred to the General Counsel of ZAYO for response.

### **III. How Zayo Obtains Approval From a Customer to Use CPNI**

#### **A. Opt Out**

- The -opt out approval method requires that the customer receive an individual notice (by written or electronic means) that ZAYO intends to use the customer's CPNI. Such notices must be sent by ZAYO 30 days before the customer's approval to use CPNI is inferred (33 days for notices sent by mail). If the customer communicates to ZAYO 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 ZAYO 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 topic, and the customer must have the option of replying directly to

the e-mail. If the e-mail is returned as undeliverable, ZAYO may not use the customer's CPNI until the required notice is given by another means. 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.

#### **B. Opt In**

- This method requires ZAYO 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.
- Although customer approvals under the opt in method may be obtained orally, ZAYO allows oral approvals only with written authorization of the CPNI Compliance Officer. If oral approval is received, the burden will lie with ZAYO to show that the customer received all of the information that would otherwise have been required in writing, and gave the necessary approval.

#### **C. Notice Requirements Applicable to both the Opt In and Opt Out Methods of Approval**

- 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 ZAYO's ability to provide services to the customer, the notice must also state that the customer has the right, and ZAYO 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 ZAYO's 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.

#### **D. 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, ZAYO 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. 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) 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.

#### **E. When Must A Customer Be Authenticated?**

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

- ZAYO 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 ZAYO 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 Company 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. Instead, **all** Company 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 Company 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.*

#### **IV. How to Verify a Customer's Approval and Obtain Supervisory Approval for Purposed Outbound Marketing Efforts**

##### **A. Customer Approval Database**

- If necessary, ZAYO will maintain a database that identifies whether or not a customer has given approval for access to its CPNI. Employees, contractors, agents, affiliates and partners of the Company, including sales and marketing agents, will be obligated to use that database before using, disclosing or permitting access to customers' CPNI in all instances when customer approval is required. Copies of the database will be available from the CPNI Compliance Officer. Since ZAYO does not currently use CPNI for marketing or other uses that require customer approval, no database exists at this time.
- Employees, contractors, agents, affiliates and partners of the Company, including sales and marketing agents, are prohibited from using, disclosing or permitting access to CPNI of any customer who is not listed in the database as having given approval in all instances when customer approval is required. Disciplinary action may result from violation of this prohibition.
- Please report any inaccuracies found in the customer approval database promptly to the CPNI Compliance Officer.

##### **B. Supervisory Review Required Before Making Request for Customer Approval**

- Except when making a one-time oral request in connection with a telephone contact with the customer (see Section III(D) for more information), employees, contractors, agents, affiliates and partners of the Company, including sales and marketing agents, 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 CPNI Compliance Officer unless a unit supervisor has received prior authority to conduct such reviews. The review shall ensure that the requirements of this policy statement are adhered to. In addition, the CPNI Compliance Officer shall maintain a list of those personnel who are

authorized to request CPNI consent from customers making inbound calls to the Company for the duration of any such calls.

## **V. Confidentiality Agreements with Contractors and Joint Venturers**

ZAYO will share CPNI with a partner, contractor or third party agent, such as an independent contractor, of the Company 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 third parties, including partners, vendor contractors or third party sales and marketing agents are prohibited from using CPNI for marketing purposes.

All such confidentiality agreements must be approved by the General Counsel.

## **VI. Retention and Win-Back**

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

- If ZAYO 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 ZAYO to another carrier, the Company prohibits its employees, agents, contractors or affiliates from using that information to attempt to dissuade the subscriber from leaving.
- ZAYO presently has no access to customers' call records. If such access becomes possible in the future, it is specifically prohibited to access 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), CPNI may be used to persuade the customer to stay.

### **B. Win-back**

- Subject to this policy on use of CPNI, ZAYO encourages 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.

## **VII. Procedures For Release of CPNI to Customers**

### **A. Customer-initiated telephone account access**

The Company shall release Call Detail Information and other CPNI based on customer-initiated telephone contact only pursuant to one of the following three scenarios:

- The customer provides a pre-established password;
- Upon customer request, the Call Detail Information is mailed to the customer's Address of Record; or
- A call is placed to the Telephone Number of Record.

If during the course of a customer-initiated call, the customer is able to provide the Call Detail Information that is needed to address the customer's service issue, then the call may proceed without the need to ask for a password. However, unless a password is provided, discussion of Call Detail Information must be limited to only the Call Detail Information provided by the customer.

#### **B. Online account access**

Online account access is available only with the use of a password.

#### **C. Retail location account access**

Call Detail Information and other CPNI may be provided at retail locations to customers who provide a Valid Photo ID that matches the name on the account.

#### **D. Password protection**

- For new customers, a password may be established at the time of service initiation.
- For existing customers who do not already have passwords, the identity of the customer must be authenticated without the use of Readily Available Biographical Information or Account Information. This can be accomplished by either calling the customer at the Telephone Number of Record, asking the customer to return a form mailed to the Address of Record, or asking the customer to produce a Valid Photo ID that matches the name on the account at one of our retail locations.
- In the event the customer does not remember his or her password, the customer may be authenticated by asking a pre-established question that is not based upon Readily Available Biographical Information or Account Information. The customer may not be provided prompts regarding the password.

#### **E. Notification of account changes**

Customers are to be notified immediately whenever a password, customer response to a back-up means of authentication, online account, or Address of Record is created or changed. Notification may be accomplished by means of voicemail or text message to the Telephone Number of Record or by mail to the Address of Record.

#### **F. Business customer exception**

For business customers with a dedicated account representative, the dedicated account representative need not ask for a password if the dedicated account representative personally knows the employee of the business who is asking for Call Detail Information or other CPNI.

### **VIII. Procedures in the Event of Breach of CPNI Protection**

#### **A. Notification to U.S. Secret Service and FBI**

- Any discovery of a breach of CPNI protection shall immediately be reported to the General Counsel and an e-mail shall be sent to [cpnibreach@zayo.com](mailto:cpnibreach@zayo.com).
- No later than seven business days after it is reasonably determined that there has been a breach of CPNI protection, the General Counsel of the Company or his/her designee shall notify the United States Secret Service ("USSS") and the Federal Bureau of Investigation ("FBI") of such breach through a central reporting facility. A link to the central reporting authority can be found at <http://www.fcc.gov/eb/cpni>.

#### **B. Notification to customer and/or the public**

The customer and/or the public, as applicable, may not be notified of a breach of CPNI protection until seven full business days following notification to the USSS and the FBI.

- The USSS or the FBI may direct postponement of such notification to the customer and/or the public, as applicable, if the agency believes that such notification would impede or compromise an ongoing or potential criminal investigation or national security.
- In addition, the customer and/or the public, as applicable, may be notified prior to the expiration of the seven business day waiting period if, after consulting with the USSS and/or the FBI, as applicable, it is believed that there is an extraordinarily urgent need to notify the customer, a class of customers and/or the public, as applicable, in order to avoid immediate and irreparable harm.
- Subject to the above policies, the determination as to when and how customers and/or the public, as applicable, shall be notified of a breach of CPNI protection shall be made by the General Counsel of the Company.

#### **C. Recordkeeping requirements**

Electronic or other form of records of breaches of CPNI protection that are discovered, notifications made to the USSS and the FBI, and notifications made to customers shall be maintained and retained for a period of two years and shall include the dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach.

### **IX. Training, Reporting and Recordkeeping**

#### **A. Training Requirements**

- ZAYO will provide a means for all employees, contractors, company/legal agents, affiliates and partners of the Company, including sales and marketing agents, to receive training in the proper uses of CPNI, including a familiarity with this policy statement. Anyone who has not received the required training should contact the CPNI Compliance Officer.

#### **B. Reporting Requirements**

- The CPNI Compliance Officer is responsible for all government reporting requirements in connection with CPNI.
- ZAYO 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. ZAYO'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 the CPNI Compliance Officer.

- As discussed in Section VIII, above, ZAYO 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 the General Counsel of the Company and send an email to [cpnibreach@zayo.com](mailto:cpnibreach@zayo.com). You must also promptly confirm receipt of the notification.

### **C. Record-Keeping Requirements**

- ZAYO will maintain records of approval, 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. For opt-in approvals, the CPNI Compliance Officer will maintain a log or file of all customers who have given such approval for use of CPNI, the text of the notice, and the date that the customer's approval was received. For opt-out approvals, the CPNI Compliance Officer shall maintain a log or file of all customers who were sent a notice of their opt-out rights, the text of the notice, and the date that a customer gave and/or received notice that CPNI should not be used (if any). One-time oral requests to customers must be documented by e-mail and sent to the CPNI Compliance Officer. Documentation must include the customer's name, the Company employee making the contact, the customer's representative who gave permission to use CPNI and the date of the conversation. The records required under this paragraph will be maintained for a minimum of one year.
- ZAYO 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 ZAYO's affiliates. 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 ZAYO must be documented and recorded with the same information that would be required in a sales or marketing campaign. ZAYO does not ordinarily disclose CPNI to third parties, and any such disclosure cannot be made without express management approval in addition to customer consent obtained by the -opt-in procedure. The records required under this paragraph will be maintained for a minimum of one year.
- As described in Section VIII(C), ZAYO must maintain a record, electronically or in some other manner, of any breaches discovered, notifications made to the USSS 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. ZAYO must retain the record for a minimum of two years.

### **X. Glossary**

**“Account Information”** means information that is specifically connected to the customer's service relationship with ZAYO, including such things as an account number or any component thereof, the telephone number associated with the account, or the bill's amount.

**“Address of Record”** means an address that has been associated with the customer’s account for at least 30 days. The Address of Record may be postal or electronic.

**“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.

**“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.

**“Company”** means ZAYO and Zayo Group, LLC.

**“CPNI Compliance Officer”** is ZAYO General Counsel.

**“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.

**“FCC”** means the Federal Communications Commission.

**“General Counsel”** of the Company is Wendy Cassity.

**“Readily Available Biographical Information”** means information drawn from the customer’s life history and includes such things as the customer’s social security number, or the last four digits of that number; mother’s maiden name; home address; or date of birth.

**“Subscriber List Information”** means any information of a ZAYO 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. ZAYO does not currently publish any customer information 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 transmission 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. ZAYO is a telecommunications carrier. Zayo Group, LLC *is not* a telecommunications carrier.

**“Telephone Number of Record”** means the telephone number associated with the underlying service, not the telephone number supplied as a customer’s contact information.

**“USSS”** means the United States Secret Service.

**“Valid Photo ID”** means a government-issued means of personal identification with a photograph such as a driver’s license, passport, or comparable ID that is not expired.

**“ZAYO”** refers to Zayo Group, LLC (also known as Zayo).

***Approved by the General Counsel effective August 14, 2017.***

**Acknowledge Receipt of CPNI Policy**

**SUBJECT:**

MANDATORY REVIEW – CPNI Policy for Zayo

**CONTENT:**

All employees are required to review the attached CPNI (Customer Proprietary Network Information) Policies for Zayo. Please acknowledge that you have reviewed this CPNI Policy by signing below. These CPNI Policies are also available on Salesforce for your reference.

Should you have any questions, please do not hesitate to contact your legal counsel.

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Employee Name

Date