



## ARQ, INC. PRIVACY POLICY

Effective: May 31, 2022

Last modified: October 31, 2024

ARQ, Inc. and its Affiliates respect and are committed to protecting your privacy. This Privacy Policy describes the types of information we may collect from you or that you may provide when you visit the Sites (defined below) and our practices for collecting, using, processing, maintaining, protecting, and disclosing that information.

Please read this Privacy Policy carefully to understand our policies and practices regarding your Personal Information and how we will treat it.

**By using the Sites, you consent to the terms of this Policy and to our collection of your Personal Information for the purposes stated below.**

**IF YOU DO NOT AGREE TO THE TERMS OF THIS POLICY,  
YOU ARE NOT PERMITTED TO USE THE SITES**

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### **A. Definitions**

For the purposes of this Privacy Policy:

**“ARQ” or “Company”** (also referred to as “we”, “us”, or “our” ) refers to hereafter, its current direct subsidiary companies, Arq, LLC, Wharnccliffe Asset Management, LLC, ADEquity, LLC, Arq Solutions (ES), Inc., Arq Solutions, LLC, and each of their respective subsidiaries and (ii) any company or partnership in which ARQ now or hereafter, directly or indirectly owns or controls more than 50% of the ownership interest having the right to vote or appoint its directors or functional equivalents (“Affiliates”) and (iii) any joint venture, now or hereafter, in which ARQ or an Affiliate of ARQ has day to day operational control.

**“Device”** means any device that can access the Sites such as a computer, cell phone or digital tablet.

**“Personal Information”** is any information that identifies, relates to, describes or is capable of being associated with, or could reasonably be linked directly or indirectly to you. It includes “User Provided Information” and “Usage Data” but does not include aggregated or anonymized data.

**"Service Provider"** means any natural or legal person who processes or receives Personal Information on behalf of the Company, including any third parties that facilitate or host the Sites, perform services related to the Sites or assist the Company in analyzing how the Sites are used.

**"User Provided Information"** is any information that you choose or agree to provide us directly.

**"Sites"** refers to (i) the websites owned and operated by ARQ and/or its Affiliates, including but not limited to [www.arq.com](http://www.arq.com) and [ir.arq.com](http://ir.arq.com) (ARQ's Investor Relation site).

**"Usage Data"** refers to data collected automatically, either generated by use of the Sites or from the Sites' infrastructure themselves (i.e. duration of a page visit) as more particularly described below.

**"You" or "your"** means the individual accessing or using the Sites, or the company, or other legal entity on behalf of which such individual is accessing or using the Sites, as applicable including without limitation browsers, visitors, guests, registered users, vendors, customers, and merchants.

## **B. Application**

1. This Privacy Policy applies to information we collect from:

- Visitors of the Sites.
- Recipients of electronic or other communications, including newsletter, emails or publication alerts, which contain or refer to this Privacy Policy.
- Subscribers to our e-mail alerts notifying subscribers when certain items are published on our Sites, including SEC filings, news and events.
- Any electronic messages (email, text) between you and the Sites.
- Visitors who access the career portal currently operated by [paylocity.com](http://paylocity.com) and information you upload to the career portal.
- Visitors who fill in a web form or contact-us form from our Site (see Mobile Information/SMS Communication under Section I below).

This Privacy Policy does not apply to:

- Your interaction with us or information collected by us (or any of our agents) offline or through any other means. In the event of a conflict between this Privacy Policy and any other separate legal contract entered into between you and the Company, the terms of such separate legal contract shall prevail and control.
- Information collected by any third-party that may link to or be accessible from the Sites.
- Information we electronically collect (or is provided to us) from employees of the Company.

### **C. Children Under the Age of 16**

Our Sites are not intended for children under 16 years of age, and we do not knowingly collect Personal Information from children under 16 years of age. If you are under 16 years of age, do not use or provide any information on the Sites or on or through any of its features, register on the Sites, or provide any information about yourself to us, including your name, address, telephone number, email address, or any screen name or username you may use. If you believe we might have any information from or about a child under 16 years of age, please contact us at [legal@arq.com](mailto:legal@arq.com).

### **D. ARQ's Compliance With Data Protection Laws**

ARQ is committed to collecting and using Personal Information in a lawful manner. ARQ will ensure that, when it collects or uses Personal Information, such collection or use is allowed under applicable data protection laws, including, for example the Colorado's Consumer Data Protection Laws, the California Consumer Protection Act, or the European Economic Union and United Kingdom General Data Protection Regulation where such law governs.

### **E. Information We Collect**

When you visit or use our Sites, we may collect Personal Information about you. The information we collect depends on the context of your interaction with the Sites, the choices you make, including your own privacy settings and the features you use. We also obtain Personal Information from third- parties as describe in this Privacy Policy.

We may collect the following broad categories of Personal Information from you:

#### **1. Information You Provide Directly to Us.**

When accessing or using the Sites, you may choose to provide the following categories of User Provided Information:

- Contact details, such as your name, title, company/organization name, email address, telephone and fax numbers, and physical address.
- Information you provide by filling out forms on the Sites.
- The content of any requests or correspondence if you contact us.
- Your preferences with respect to email marketing.
- Your inquiries about our products and services.
- Feedback or comments from you about our products and services, including our Sites.
- Information you provide in an application for employment, including but not limited educational background, job history, driver's license numbers, and the content of resumes or curriculum vitae's you provide.
- Any other information you voluntarily choose to provide us.

You are not required to provide this User Provided Information. However, if you choose not to, we may not be able to provide you the requested service or complete your transaction or request.

## 2. Information We Collect Through Automated Means.

When you visit the Sites, we may automatically collect certain Usage Data from you including:

- The number of visits to the Sites, pages viewed, links and items clicked, features used, search terms, and other actions taken and resources accessed and used on the Sites.
- Information about your Device and internet connection, including your Internet Protocol (IP) address) operating system, browser type and language, Device type, date and time of day you accessed the Sites, address of a referring websites or websites to which you exit.
- Information regarding whether emails we send you are opened, forwarded, or used to click-through any links in the email.
- Geolocation data, such as your physical location.

## 3. Information from Cookies and Web Beacons

We may also collect certain information automatically through the use of “cookies” and similar tracking technologies.

- **Cookies.** A cookie is a small file placed on the hard drive of your Device at the request of the Sites to recognize previous visitors. Our Sites may use them to track the number of times you have visited the Sites, to track the number of visitors to the Sites, to determine and analyze visitors' use of our Sites, to store data that you provide (such as your preferences), and to store technical information related to your interactions with our websites.
- **Web Beacons.** Pages of our Sites (and our e-mails) may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit the Company, for example, to count users who have visited those pages or opened an email and for other related website statistics We may also include web beacons in promotional email messages or newsletters in order to determine whether messages have been opened and acted upon, including whether the recipient clicked on a link in the email or forwarded the email to another person.
- Adjusting Browser Settings to Manage Cookies or Send “Do Not Track” Signals:
  - a. Most Internet browsers automatically accept cookies, but you can usually modify your browser settings to decline cookies or to notify you when a cookie is being placed on your computer. If you choose not to accept cookies, you may not be able to experience all the features of our Sites.

- b. **“Do Not Track” Settings.** Some web browsers may give you the ability to enable a “do not track” setting. This setting sends a signal to the websites you encounter while web browsing. This “do not track” signal is different from disabling certain forms of tracking by declining cookies in your browser settings, as browsers with the “do not track” setting enabled may still accept cookies. The Company does not currently take any action in response to “do not track” signals.
- 4. **Third Parties.** Some content on the Sites may be served by third parties. Specifically, when you search our career portal, you are directed to a third-party service provider: Paycom, to perform the search and where you can fill out an employment application and upload your resume or curriculum vitae.

These third parties may use cookies [alone or in conjunction with web beacons or other tracking technologies] to collect information about you when you are directed to their 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. Please read their privacy policies carefully before you provide any information when re-directed to their websites. We do not control these third parties' tracking technologies or how your Personal Information may be used.

- a. **Google Analytics.** Our Sites may utilize Google Analytics, a web analysis service provided by Google, to better understand your use of our Sites. Google Analytics collects information such as how often users visit websites, what pages they visit and what other websites they used prior to visiting. Google may use the data collected on the websites to contextualize and personalize the ads delivered through its own advertising network. Google’s ability to use and share information collected by Google Analytics about your visits to the Sites is restricted by the [Google Analytics Terms of Use](#) and the [Google Privacy Policy](#). Google also offers an opt-out mechanism for the web.
  - b. **ReCAPTCHA:** Our Sites may use ReCAPTCHA, a third-party service that protects websites from spam and abuse by determining whether a user is a real person or a “bot”. ReCAPTCHA collects and analyzes user’s Usage Data such as typing patterns, amount of mouse clicks, and plug-ins installed on a user’s browser. Where we have implemented ReCAPTCHA on our Sites, your use of ReCAPTCHA is expressly subject to [Google’s Terms of Use](#) and [Google Privacy Policy](#) and Terms of Use.
- 5. **Sensitive data.** We do not collect any Sensitive data about you through our Sites. Sensitive data refers to data that includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data. When re-directed to our career portal users have the option of including EEO and veteran and disability status in their application but may voluntarily opt-out of this request.

## **F. How We Use Your Personal Information**

In some jurisdictions, the lawful handling of Personal Information is subject to justification, sometimes referred to as “legal basis”. The legal bases that we rely on for the lawful handling of your Personal Information vary depending on the purpose and applicable law.

Below sets forth how we may use and process Personal Information, and our legal bases for doing so.

1. **Customer Service/Feedback.** To answer your questions, provide information about the Company, our products and services, respond to your communications and requests, provide you with requested materials such as alerts, newsletters, or investor relation letters.

*Legal basis:* (i) Consent and (ii) Legitimate interests including keeping subscribers informed, replying to communications sent to us, gathering feedback to improve our Sites, services and products, keeping records and protecting our legal interests.

2. **Website Maintenance & Improvements.** To monitor the usage of our Sites, improve our Sites (including our security measures) and improve user experience.

*Legal basis:* Legitimate business interest to improve relevancy of, and customize, content provided through the Sites, analytics, improve security measures, debugging, spam and abuse, regulatory compliance and to ensure quality of our services during Site visits.

3. **Marketing Communications.** To contact you and provide you with news, promotional materials, information about products, services, events or other information that may be of interest to you. *You may opt-out of receiving any, or all, of these communications* by following the unsubscribe link or instructions provided in any such communication or by contacting us at [legal@arq.com](mailto:legal@arq.com).

*Legal basis:* (i) Consent and (ii) Legitimate interest in keeping subscribers informed and growing and marketing our business.

4. **Employment Consideration.** We may use the data you provide us about yourself in connection with a job application or inquiry for the purpose of employment consideration. We may keep the information for future consideration, unless you direct us not to do so.

*Legal basis:* (i) Consent and (ii) Legitimate interest in sourcing suitable talent and considering employment information.

5. **For Business Transfers.** We may use your Personal Information in connection with a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding.

*Legal basis:* Legitimate interest to prepare for or consummate a transfer or contract.

6. **Fraud and Security.** To detect and prevent fraud and protect the security and integrity of the Sites and our systems.

*Legal Basis:* Legitimate interest in security and preventing fraud.

7. To protect our legal rights and those of our Sites visitors, including enforcing our [Terms of Use](#).

*Legal basis:* Legal requirement

8. To comply with our legal obligations or to respond to law enforcement or legal and regulatory inquiries or requests or legal proceedings.

*Legal basis:* Legal requirement

9. For any other legitimate business purposes or any other purpose with your consent.

## **H. Disclosure of Your Information**

**We do not sell or rent any Personal Information about you to any third-party. We do not share your Personal Information with any third-party, except as stated in this Privacy Policy. All sharing mentioned in this policy excludes mobile opt-in and consent; which information is never shared with third parties.**

The Company may share your Personal Information as follows:

1. **With Service Providers.** ARQ shares Personal Information with a limited number of Service Providers to provide certain services and perform functions on our behalf, such as facilitating or hosting Sites, perform services related to the Sites, tracking and analyzing the Sites' activities and data, detecting and preventing fraud, spam and abuse, email delivery, managing subscriber lists, and providing marketing assistance. We only make these business purpose disclosures under written contracts or commitments that describe the purposes, require the Service Provider to keep the Personal Information confidential, and prohibit using the disclosed information for any purpose except performing the contracts. These third-party service providers may have access to your Personal Information, but only to the extent required to deliver those services to us or fulfill the business purpose for which they were hired.
2. **With present and/or future Affiliates.** We may disclose your Personal Information to a present and/or future Affiliate; in which case, we will require the Affiliate(s) to honor this Privacy policy.

3. **In connection with Business Transfers.** We may disclose your Personal Information 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 our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding. Such a transaction may involve the disclosure of Personal Information to prospective or actual purchasers or involve receiving it from sellers. Although it is our practice to seek protection for information in these types of transactions, we cannot guarantee that any entity receiving such data from the Company in connection with one of these transactions will comply with all of the terms of this Privacy Policy.
4. **With your Consent.** For any other purpose with your consent, or for any other purpose disclosed by us when you provide the information.
5. **For Certain Legal Reasons.** As necessary to satisfy and comply with any applicable law, regulation, legal process or governmental request. We reserve the right to fully cooperate with any law enforcement authorities or court orders requesting or directing us to disclose the identity of anyone posting any content or publishing or otherwise making available any information on the Sites.
7. **Vital Interest and Legal Rights.** Where we believe in good faith such action is necessary to investigate, prevent or take action regarding potential violations of our policies, suspected fraud, illegal activities, situations involving potential threats to the safety of any person, or to protect against legal liability or protect and defend the rights or property of the company, or as evidence in litigation in which we are involved.
8. **Aggregated and Anonymized Information.** We may disclose aggregated and anonymized information about our users that does not identify any individual, without restriction.

**I. Mobile Phone Numbers/SMS Communications.**

1. **Opt-In Consent:** By submitting your phone number through forms on our Sites, you are consenting (opt-ing in) to be contacted by Arq, Inc. or its affiliated companies by SMS text message for business purposes.
2. When you opt-in to receive SMS messages from us, we may collect the following types of information:
  - a. Personal Information, such as your phone number, name or email address (if provided); and
  - b. Message Data, including the content of SMS messages sent and received and delivery status of SMS messages.
3. **Opting – out.** Message frequency may vary but will be limited to responses to direct inquiries and updates related to the Company's business and products. Message and data



rates may apply. You can reply STOP at any time to opt-out of further messaging. Upon receiving your request, we will promptly remove you from our messaging list, and you will no longer receive further text communications from us.

4. **No mobile information will be shared with or sold to third parties/affiliates for marketing or promotional purposes.** Additionally, all other categories of use mentioned in this Policy **exclude text messaging originator opt-in data and consent, which information will not be shared with any third parties.** However, in certain circumstances we may share limited information with trusted third-party service providers that assist us in operating our SMS services, who are required to maintain the confidentiality and security of your information.
5. You have the right to access, correct, verify, or remove your personal information at any time. To manage your information, please email us at [ContactUs@arq.com](mailto:ContactUs@arq.com) with a copy to [Legal@arq.com](mailto:Legal@arq.com).

#### **J. Links to Third-Party Websites**

Our Sites may contain links to other websites, including plug-ins, those of other companies, professional and government organizations, and publications. Clicking on those links or enabling those connections may allow these third-party websites to collect or share data about you.

These websites operate independently from our Sites, and we do not control and are not responsible for the content, security or privacy practices employed by other websites. We make no representations or warranties about the privacy practices and accuracy of content of those websites.

You should review the privacy policies of those websites to determine how they protect and use Personal Information.

#### **K. Data Security**

We endeavor to secure your Personal Information from unauthorized access, use, or disclosure, and use reasonable industry standard security procedures and measures to protect your information, such as encrypted communications to access internal systems, multi-factor authentication, firewalls to secure information on servers, and limiting access to employees who need the information.

However, no security measures are perfect or impenetrable and the transmission of information via the internet is never 100% secure. Third parties may unlawfully intercept or access transmissions or private communications, or defeat these security measures. Therefore, we do not promise and cannot guarantee the security of your Personal Information transmitted to or through our Sites. **ANY TRANSMISSION OF PERSONAL INFORMATION TO AND FROM OUR SITES IS AT YOUR OWN RISK**, and we are not responsible for, nor liable for any damages, losses or causes of action arising out of or in connection with the unauthorized disclosure or use by third parties of your Personal Information.

#### **L. Retention of Your Personal Information**

We retain your Personal Information for as long as necessary to meet the purposes set out in this Privacy Policy, and to the extent necessary to comply with our legal obligations and applicable law, resolve disputes and enforce our legal rights and policies. In some circumstances, we may anonymize your Personal Information for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

#### **M. Transfer of Your Personal Information**

Your Personal Information is processed at the Company's operating offices and in any other place where the parties involved in the processing are located. This means that this information may be transferred to, and maintained on, computers located outside of your state, province, country or other governmental jurisdiction where the data protection laws may differ than those from your jurisdiction. By use of the Sites, you consent to that transfer.

#### **N. Opting Out/Updating Your User Information**

You can ask us to stop contacting you or sending you email alerts, or promotional or marketing messages at any time by following the unsubscribe links on any message sent to you OR by emailing us at [ContactUs@arq.com](mailto:ContactUs@arq.com) or [Legal@arq.com](mailto:Legal@arq.com). Please state unsubscribe in your subject headline.

If you unsubscribe, please be aware that this opt-out will not apply to communications required as a result of other such transactions entered into with us, such as purchases or contracts.

ARQ endeavors to keep User Provided Information it collects accurate and complete, and it relies on users to maintain the accuracy and completeness of User Provided Information. Please inform ARQ immediately if any of your personal details change by emailing us at [ContactUs@arq.com](mailto:ContactUs@arq.com) or [Legal@arq.com](mailto:Legal@arq.com).

#### **O. Your Rights**

You have certain rights when it comes to your Personal Information. To the extent provided by the law of your jurisdiction, you may have the right to (i) access certain Personal Information we maintain about you; (ii) request that we update, correct, amend, erase or restrict your Personal Information; or (iii) exercise your right to data portability.

Where provided by law, you may withdraw consent you previously provided to us or object at any time to the processing of your Personal Information on legitimate grounds relating to your particular situation, and we will apply your preferences going forward as appropriate.

Your rights may be subject to limitations and exceptions resulting from applicable laws. For example, there may be situations where we cannot share certain information that you seek if disclosing this means disclosing information about others.

**For California Residents Only.** If you are a California resident, California law may provide you with additional rights regarding our use of your Personal Information. For additional rights you may have under California Law, see our [California Supplemental Privacy Policy](#).

**General Data Protection Regulation (European Economic Area, United Kingdom and Switzerland).** If the processing of your Personal Information is subject to the General Data Protection Regulations in the European Economic Union (EEU), United Kingdom or Switzerland (collectively “GDPR”), applicable law may give you rights to: access your Personal Information; have inaccurate or incomplete Personal Information rectified; restrict the processing of your Personal Information, under certain circumstances, object to the processing operations, or have Personal Information erased when such data is no longer necessary for the purposes for which it has been collected. Where the processing of your Personal Information is based on consent, you have the right to withdraw this consent at any time. This does not affect the lawfulness of the processing based on consent before your withdrawal. In some circumstances, you also have a right to request a portable extract of your Personal Information, which will allow you to reuse your Personal Information for your own purposes.

To exercise these rights, or in the event you consider our processing of your Personal Information not to be compliant with the GDPR or any other applicable data protection laws, you can lodge a complaint by contacting us in the **How to Contact Us** section of this Privacy Statement.

Depending on your location, you may also have the right to complain to the competent supervisory authority in your country. Contact the Data Protection Authorities in the European Economic Area, and in the United Kingdom for more information.

To help protect your privacy, we take reasonable steps to verify your identity before granting access to your information.

If you are an EEU resident and provide Personal Information through our Sites, you consent to the collection, storage, and transmission of your Personal Information from the EEU to the US in order to communicate with us. If you wish to withdraw your consent, please contact us via email at [ContactUs@arq.com](mailto:ContactUs@arq.com) or [legal@arq.com](mailto:legal@arq.com).

## **P. Changes to Our Privacy Policy**

We reserve the right, at our sole discretion, to change, modify or otherwise alter our Sites, any content and functionality, and this Privacy Policy at any time without notice. Such changes shall become effective immediately upon posting. When we make material changes to this Privacy Policy, we will post the changes on this page and update the latest effective date at the top of the Policy. Our Site users are responsible for periodically reviewing this Privacy Policy to become aware of the most recent privacy terms. The continued use of the Sites after such posting constitutes acceptance of this and any revised Privacy Policy.

**Q. How to Contact Us**

If you have any questions about this Privacy Policy and our privacy practices, or for any requests regarding your Personal Information, OR to register a complaint or concern, please contact us at:

Arq, Inc.  
Attn: IT Director  
8051 E. Maplewood Avenue, Suite 210  
Greenwood Village, Colorado 80111  
720-598-3500

ContactUs@arq.com with a copy to Legal@arq.com