

<b>Policy:</b>	Electronic Mail and Instant Messaging	<b>Policy Reference and Revision Number:</b>	HR 018 Rev 000
<b>Department:</b>	Human Resources	<b>Effective Date:</b>	08/01/2021
<b>Authorized By:</b>	SVP Human Resources	<b>Page:</b>	Page 1 of 2

## PURPOSE

To establish usage, content and privacy parameters related to usage of electronic mail, texting, and instant messaging (“**Electronic Communications**”) content delivered or received utilizing owned or leased equipment or accounts of BWC Terminals (the “**Company**”).

## POLICIES

1. Use of owned or leased equipment or accounts of BWC Terminals (the “**Company Equipment**”) by employees for Electronic Communications is conditioned upon (a) the prior waiver of any right to privacy and (b) ongoing consent to examination and disclosure by the Company and all Electronic Communications created, transmitted, received, stored, or deleted using Company Equipment are:
  - a. the exclusive property of the Company;
  - b. primarily intended for job-related purposes;
  - c. requiring the same care (in style, tone, and content) and protection as paper documents;
  - d. subject to monitoring of use and inspection of the information, with or without notice; and
  - e. subject to disclosure to law enforcement, other governmental agencies, as well as third parties, through a subpoena or other process.
2. The Company requires that employees:
  - take precautions to protect electronic information against unauthorized access, use, disclosure, modification, duplication, or destruction and maintain e-mail password confidentiality;
  - do not use codes including, without limitation, access or pass codes accessing files or retrieving another employee’s Electronic Communications without authorization or legitimate business purposes;
  - do not communicate generate or store offensive, obscene or harassing messages; and
  - delete inappropriate Electronic Communication, including inappropriate attachments that are sent to them and never store, print, or forward such messages.

## PROCEDURE

The Company may, from time to time:

- examine employee’s current Electronic Communication and disclosure of information as necessary; discipline any employee (up to and including termination) that misuses the Company’s Electronic Communication and, upon termination, permit the employee’s manager to review their e-mail and move necessary corporate records to an appropriate folder;
- preserve or delete employee’s Electronic Communication in its sole discretion; and

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- include a disclaimer (or similar version) to each outgoing e-mail as follows:

*“NOTICE: This message is confidential and intended for the sole use of the intended recipient and may contain proprietary information, trade secrets or information that is covered or protected by legal or professional privileges, immunities, or rules. If you have received this e-mail in error, please notify us by e-mail ([it@BWCTerminals.com](mailto:it@BWCTerminals.com)) or by telephone (832.699.5730); destroy all copies (electronic and physical); and be advised that you are strictly prohibited from using, disclosing or distributing the information in this e-mail or its attachment(s) or taking or forbearing of any action in reliance upon such information. The sender’s name and other information in this e-mail are for information purposes only and are not digital or electronic signatures.*

#### **LITIGATION, INVESTIGATIONS AND REGULATORY REQUIREMENTS**

- **IF YOU HAVE REASON TO ANTICIPATE LITIGATION, A GOVERNMENT INVESTIGATION, OR AN AUDIT, CONTACT THE LEGAL DEPARTMENT AND IMMEDIATELY CEASE DELETING ANY ELECTRONIC COMMUNICATION WHETHER SENT OR RECEIVED, THAT IN ANY WAY MIGHT RELATE TO THE LAWSUIT, INVESTIGATION OR AUDIT, UNTIL INSTRUCTED OTHERWISE.**
- The Legal Department is responsible for formally suspending destruction of records and will issue a Preservation Notice to appropriate parties, including affected employees and records retention/IT personnel, outlining all materials that must be preserved.
- Once the Preservation Notice has been lifted, normal retention and disposal operations will resume.
- All questions regarding the Preservation Notice should be addressed to the Legal Department.