



## **GDPR PRIVACY POLICY FOR NUSTAR CUSTOMERS AND VENDORS REVISED: MAY 25, 2018**

### **I. Purpose and Scope**

NuStar Energy L.P, a leading pipeline and terminal operator, is a publicly traded master limited partnership (NYSE: NS) (“**NuStar**”, “we”, “us” or “our”). NuStar, together with our NuStar Affiliates, understands and values the importance of individual privacy and we are committed to protecting the privacy and security of our Customers and Vendors personal information as required under the General Data Protection Regulation (“**GDPR**”).

Due to our business of storing, transporting, and marketing crude oil and refined products, our Customers and Vendors are primarily companies, not individuals. We may (directly or indirectly through service providers) collect, use and/or transfer Personal Data that identifies NuStar’s prospective, current and past Customers and Vendors.

**This GDPR Privacy Policy for NuStar Customers and Vendors (“Policy”) applies if you are a past, present or prospective Customer or Vendor of NuStar our NuStar Affiliates, or if you have provided NuStar with your Personal Data for any reason. This Policy only applies to your Personal Data if you are located in, or live within, the EU when such processing takes place.**

For the purpose of the GDPR, NuStar is the “data controller.” This means that we are responsible for deciding how we hold and use Personal Data about Customers and Vendors. We are required under the GDPR to notify you of the information contained in this privacy statement.

The purpose of this Policy is to inform you how we collect, use, disclose, transfer, and process your Personal Data in accordance with the GDPR. As part of this Policy, NuStar will comply in all material respects with the GDPR and implementing legislation enacted by the member states of the EU with respect to its operations in those member states, unless limited to the extent expressly permitted by applicable law, rule or regulation.

This Policy does not apply to NuStar employees (whether full-time or part-time), former employees, “temps,” independent contractors, consultants or job applicants. If you work or have worked for NuStar in any capacity, please refer to the GDPR Privacy Policy for NuStar Employees and Non-Employee Workers located on NuStar’s intranet site or contact [privacy@nustarenergy.com](mailto:privacy@nustarenergy.com) to request a copy.

### **II. Defined Terms**

Capitalized terms in this Policy have the following meanings:

**“Customers and Vendors”** means any and all prospective, current, and former customer, supplier, and vendor; as well as the agents, employees, subcontractors and representatives of such customers, suppliers, and vendors of NuStar and/or any NuStar Affiliates; and all other non-employee Data Subjects in the EU.

**“Data Subject”** means an identified or identifiable natural living individual, including but not limited to individuals who are an employee, agent, or representative of a Customer or a Vendor.

An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to his or her physical, physiological, genetic, mental, economic, cultural or social identity.

“**EU**” means European Union.

“**GDPR**” means the EU General Data Protection Regulation 2016/679.

“**ICO**” means Information Commissioner’s Office, the UK supervisory authority for data protection issues and NuStar’s “Lead Supervisory Authority” for the purpose of the GDPR.

“**NuStar**” means NuStar Terminals Limited, a private limited company incorporated in England and Wales with company number: 03618750 and with its registered office address at: Chatsworth House, 29 Broadway, Maidenhead, Berkshire, SL6 1LY.

“**NuStar Affiliate(s)**” means any affiliate, subsidiary, and/or holding companies from time to time of NuStar Energy L.P. (a publicly traded master limited partnership (NYSE: NS) with its registered office address at: 19003 IH-10 West, San Antonio, TX 78257).

“**Personal Data**” means any information relating to an identified or identifiable Data Subject. Personal Data includes, but is not limited to: Special Categories of Personal Data, an individual’s name, country of birth, marital status, emergency contact, salary information, terms of employment, job qualifications (such as educational degrees earned), address, phone number, e-mail address, user ID, password, and identification numbers. It does not include data where, for example, the identity has been removed (anonymised data), or data from which an individual cannot be identified.

“**Special Categories of Personal Data**” means Personal Data that reveals a Data Subject’s: racial or ethnic origin; political opinions; religious and philosophical beliefs; trade union membership; genetic data; biometric data (for the purpose of uniquely identifying a natural person); data concerning health; or sex life and sexual orientation.

“**Third Party**” means any individual or entity that is neither NuStar, a NuStar Affiliate, nor a NuStar Customer or Vendor, employee, former employee, “temp”, independent contractor, consultant or job applicant.

### **III. Collection and Use of Personal Data**

NuStar may collect Personal Data: (1) directly from Customers and Vendors; (2) from its NuStar Affiliates; (3) from Third Parties (e.g. consultants and industry analysts); or (4) through other means, such as web sites or industry publications (e.g. ARGUS Media and Oil Price Information Service).

#### **A. How and Why We Collect Personal Data**

NuStar collects the following information from its Customers and Vendors, which may contain Personal Data of the Data Subjects:

- Purchase Related Information. In order to process orders and payments, we may collect certain purchase-related information, such as billing address, credit card number, and bank account information.

- Contact Information. In order to communicate with our Customers and Vendors regarding services requested or provided by NuStar, or for other reasons related to our business relationship with them, we may collect contact information such as name, type of business/industry, contact person, telephone number, business address, and e-mail address.
- Inquiry Related Information. Sometimes Customers and Vendors or prospective Customers and Vendors contact us via phone, email or through our website, with questions or inquiries regarding products and services. In order to respond to these inquiries, we may collect information such as contact information, business-related information, and other information necessary to respond to such inquiries.
- Systematic Monitoring. In order to protect our assets and that of our Customers, we may collect information (including text, files and jpgs) from access card records, network use, equipment use including, but not limited to, computers, external storage, tablets, servers, and cellphones as well as video from closed circuit television (CCTV).
- Personal Data Related to the Movement/Inventory of NuStar Assets. In order to protect our assets, we may collect information such as name, contact information, license, insurance information, and movement data in Fuel FACs, access logs, fuel inventory records, and NuStar's 'Vendor Set Up/Permit to Work' forms.
- Other Information. We collect information in the course of conducting our business operations or in furtherance of our legitimate business interests that may lead to the incidental collection of Personal Data.

## **B. How We Use Personal Data and Special Categories of Personal Data**

NuStar uses Personal Data for our business purposes, including without limitation: (1) to process orders and payments; (2) to receive, store, and deliver products or services; (3) to communicate with Customers and Vendors; (4) to assess and improve the quality of services and business operations; (5) to satisfy governmental reporting and tax requirements; (6) to satisfy security, health, and safety concerns; (7) to plan and implement potential acquisitions and mergers; (8) for other employment-related and business-related purposes; and/or (9) as permitted or required under applicable local laws and regulations.

NuStar will only use Personal Data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If NuStar needs to use the Personal Data for an unrelated purpose, we will notify the relevant Data Subject(s) and it will explain the legal basis which allows us to do so.

NuStar may process Personal Data without a Data Subject's knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

NuStar may use and otherwise process Special Categories of Personal Data with consent of the affected Data Subject only for: (1) the purpose for which it was originally provided; (2) any other purpose, as long as the affected Data Subject has consented to such use; or (3) any of the following other uses, regardless of the purpose for which it was originally provided, without the requirement of additional consent for such use: (a) is necessary for the establishment and/or exercise of legal claims or defenses, or for the purposes of establishing, exercising or defending NuStar's legal rights; (b) is necessary to protect the vital interests of the Data Subject or of another natural person, where the Data Subject is physically or legally incapable of giving consent; (c) is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and

safety of health care and of medicinal products or medical devices; (d) is necessary to carry out NuStar's obligations under applicable laws; (e) the Personal Data is manifestly made public by the Customer or Vendor or Data Subject; or (f) as otherwise required by law.

#### **IV. Disclosures/Onward Transfers**

Except as stated otherwise herein, NuStar discloses Personal Data of our Customers and Vendors or Data Subjects only to Third Parties and/or NuStar Affiliates where required by law, where it is necessary to administer the relationship with our Customers and Vendors or Data Subjects or where we have another legitimate interest in doing so.

NuStar may also provide the Personal Data of our Customers and Vendors or Data Subjects to Third Parties who act as agents to perform task(s) on behalf of, under the instructions of NuStar and for specified purposes. All NuStar's Third Parties are required to take appropriate security measures to protect the Personal Data of its Customers and Vendors or Data Subjects. NuStar does not allow Third Parties to use such Personal Data for their own purposes.

NuStar may transfer the Personal Data of its Customers and Vendors or Data Subjects to NuStar Affiliates and/or Third Parties based outside the EU.

The Personal Data of its Customer and Vendors or Data Subjects may be stored and processed in any country where NuStar and any NuStar Affiliates have their operations. NuStar is based in the United States and the Personal Data of its Customer and Vendors or Data Subjects will be transferred to and processed in the United States. The United States is not deemed to provide an adequate level of protection for personal data, but NuStar as a data controller will process such personal data in the United States in compliance with EU data protection legislation.

The NuStar Affiliates located in the United States of America are self-certified under the EU-US Privacy Shield Framework and the Swiss-US Privacy Shield Framework administered by the US Department of Commerce ("**Privacy Shield**") and adhere to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access, and Recourse, Enforcement, and Liability ("**Privacy Shield Principles**"). NuStar may be liable for onward transfers of Personal Data from the EU or Switzerland to third parties. NuStar and the NuStar Affiliates only disclose such Personal Data to Third Parties or amongst its NuStar Affiliates where such companies; (1) are self-certified under the EU-US Privacy Shield; or (2) use another mechanism permitted by the GDPR (for example the Standard Contractual Clauses approved by the European Commission, or pursuant to Binding Corporate Rules). If there is any conflict between the terms in this Policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>. The Federal Trade Commission has jurisdiction over NuStar's compliance with the Privacy Shield Principles.

In compliance with the Privacy Shield Principles, NuStar commits to resolve complaints about our collection or use of your Personal Data. European Union or Swiss individuals with inquiries or complaints regarding this Policy should first contact us (see Section IX below). NuStar commits to cooperate with the panel established by the EU data protection authorities (DPAs) and/or the Swiss Federal Data Protection and Information Commissioner, and comply with the advice given by the panel and/or Commissioner, with regard to Personal Data transferred from the EU and/or Switzerland. EU and Swiss residents may, under certain conditions, invoke binding arbitration for complaints regarding Privacy Shield compliance not resolved by any of the other Privacy Shield mechanisms. For more information, see Annex I available online at: <https://www.privacyshield.gov/article?id=ANNEX-I-introduction>.

NuStar may allow exceptions to this Policy thereby permitting Personal Data to be disclosed when a Customer or Vendor or effected Data Subject has consented to the disclosure in accordance with the applicable requirements under the GDPR, or as otherwise permitted under the GDPR.

## **V. Confidentiality and Security of Personal Data**

NuStar maintains appropriate physical, administrative, and technical safeguards designed to secure Personal Data. NuStar has put appropriate security measures in place to prevent against negligent or accidental loss or destruction, improper use, alteration or unauthorized access to such data. Access to NuStar's electronic information systems requires user authentication via password or similar means. Further, all physical media (such as back-up tapes and paper files) are physically secured.

In addition, NuStar limits access to Personal Data those employees, agents, contractors and other Third Parties who have a business need to know. They will only process such data on NuStar's instructions and they are subject to a duty of confidentiality.

*Despite these precautions, no data security safeguards are foolproof.* Identity thieves, hackers, and other unauthorized individuals may find ways to obtain Personal Data. Although this is unlikely, NuStar has put in place procedures to deal with any suspected and/or actual data security breach and will notify the affected Data Subjects and the ICO of a suspected breach or actual breach where we are legally required to do so and take steps to mitigate harm.

## **VI. Data Subject Rights**

Under certain circumstances, by law, Data Subjects have the right to:

- Request access to your Personal Data. This enables you to receive details of the Personal Data we hold about you and to check that we are processing it lawfully.
- Request correction of the Personal Data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your Personal Data. This enables Data Subjects to ask NuStar to delete or remove such data where there is no good reason for us continuing to process it. You also have the right to ask NuStar to delete or remove your Personal Data where you have exercised your right to object to processing (see below).
- Object to processing of your Personal Data where NuStar is relying on a legitimate interest (or those of a Third Party) and there is something about your particular situation which makes you want to object to processing on this ground. Data Subjects also have the right to object where NuStar is processing your Personal Data for direct marketing purposes.
- Request the restriction of processing of your Personal Data. This enables Data Subjects to ask NuStar to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your Personal Data to another party.

NuStar will grant such requests, except where otherwise permitted to refuse to comply with a request under the GDPR. If you are a Customer or Vendor or a Data Subject and wish to exercise any of the above rights in relation to your Personal Data held by NuStar, please send your request via mail or e-mail to:

**Post:**           **Attn: UK VP GM Europe Region**  
**NuStar Terminals Limited**  
**Chatsworth House**  
**29 Broadway**  
**Maidenhead**  
**Berkshire**  
**SL6 1LY**

**Email:**       **privacy@nustarenergy.com**

and/or, our Ethics and Compliance Officer to:

**Post:**           **c/o Ethics and Compliance Officer**  
**NuStar Energy L.P.**  
**19003 IH-10 West**  
**San Antonio, TX 78257**  
**USA**

**Email:**       **ethics.compliance@nustarenergy.com**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, NuStar may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

NuStar may need to request specific information from Customers and Vendors and/or Data Subjects to help us confirm the identity of the relevant Data Subject(s) and ensure the right to access the information under the GDPR, or to exercise any of your other rights. This is another appropriate security measure to ensure Personal Data is not disclosed to any person who has no right to receive it.

In the limited circumstances where, as a Data Subject, you may have provided your consent to the collection, processing and transfer of your Personal Data for a specific purpose (for example, in relation to direct marketing that you have indicated you would like to receive from NuStar), you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact us using any of the contact details outlined above.

Once NuStar has received notification that a Data Subject has withdrawn your consent, NuStar will no longer process such information for the purpose or purposes the Data Subject originally agreed to, unless NuStar has another legitimate basis for doing so in law

## **VII.   Data Integrity**

It is important that the Personal Data which NuStar holds about the Data Subjects is accurate and current. Customers and Vendors and Data Subjects should keep NuStar informed of any Data Subject information changes or of any changes of which we need to be made aware.

NuStar will not maintain Personal Data any longer than necessary for the purposes for which it was collected (as notified to Data Subjects under this Privacy Policy) or other legal requirement, whichever is longer, unless otherwise agreed to by NuStar and the Customer or Vendor or Data Subject (as applicable) in writing. To determine the appropriate retention period for personal data, NuStar considers the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of the personal data, the purposes for which NuStar and/or any NuStar Affiliates process the personal data

and whether NuStar can achieve those purposes through other means, and the applicable legal requirements.

### **VIII. Changes to this Policy**

This Policy may be amended from time to time without requiring further Customer or Vendor and Data Subject consent, provided such amendments are consistent with applicable data protection and privacy laws and principles. Changes to the Policy will be posted on NuStar's website, found at [www.nustarenergy.com](http://www.nustarenergy.com). Please check the NuStar website regularly for any changes to this Policy. If you are a NuStar Customer or Vendor, we will also notify you if we make changes that materially affect the way we handle Personal Data previously collected from you or as otherwise required under the GDPR.

### **IX. Questions or Complaints**

Customers and Vendors and Data Subjects may contact us with questions about this Policy at the following address:

**Post:**                   **Attn: UK VP GM Europe Region**  
**NuStar Terminals Limited**  
**Chatsworth House**  
**29 Broadway**  
**Maidenhead**  
**Berkshire**  
**SL6 1LY**

**Email:**               **[privacy@nustarenergy.com](mailto:privacy@nustarenergy.com)**

and/or, our Ethics and Compliance Officer to:

**Post:**                   **c/o Ethics and Compliance Officer**  
**NuStar Energy L.P.**  
**19003 IH-10 West**  
**San Antonio, TX 78257**  
**USA**

**Email:**               **[ethics.compliance@nustarenergy.com](mailto:ethics.compliance@nustarenergy.com)**

*If you have any questions, complaints or disputes regarding the manner in which NuStar handles or protects your Personal Data, please contact us using the contact information above. NuStar will promptly investigate and attempt to resolve complaints and disputes in accordance with the principles contained in this Policy.*

With respect to any complaints regarding this Policy that cannot be resolved through NuStar's internal processes, NuStar has agreed to participate in the dispute resolution procedures and has chosen as its provider the International Centre for Dispute Resolution/American Arbitration Association (ICDR/AAA). In the event that we or the International Centre for Dispute Resolution/American Arbitration Association (ICDR/AAA) conclude that we did not comply with this Policy, NuStar will take appropriate steps to remedy any adverse effects and assure future compliance.

Data Subjects and Customers and Vendors also have the right to make a complaint at any time to the ICO, the UK supervisory authority for data protection issues.

## **X. Policy Review**

As part of NuStar's compliance with the GDPR, NuStar will periodically review and revise this Policy for accuracy, as well as for conformity with the applicable data privacy and protection laws.



## Revision Table

---

Date	Revision	Comments
4/6/2011	Ver 1.0	Initial implementation of 'Privacy Policy for NuStar Customers'
4/21/2013	Ver 2.0	First revision of 'Privacy Policy for NuStar Customers'
5/25/2018	Ver 3.0	Second revision to reflect GDPR