

## California Privacy Notice

Effective Date: June 28, 2023

This California Privacy Notice (this “**Notice**”) supplements Act!, LLC’s [Global Privacy Policy](#), and applies only to California residents. Act!, LLC (together with its relevant subsidiaries, associates, and affiliated companies, “**the Company**,” “**our**,” “**us**,” or “**we**”) provides this Notice pursuant to the California Consumer Privacy Act of 2018, as amended by the California Privacy Rights Act of 2020 (collectively, the “**CCPA**”). References to “**Personal Information**” in this Notice mean information defined as “personal information” under the CCPA. In the event of a conflict between any other Company policy, notice, or statement and this Notice, this Notice will prevail as to California residents unless stated otherwise.

Please note that this Notice does not apply to our job applicants, current employees, former employees, or independent contractors. Please also note that most of the Personal Information we process is processed in our capacity as a “service provider” or “processor” (as those terms are defined by the CCPA) to our customers, and we collect and process Personal Information at our customers’ direction. If you have any questions about how our customers have directed us to process your Personal Information, or you wish to exercise your rights under the CCPA relating to such Personal Information, please contact such customer directly.

### NOTICE OF DATA PRACTICES

The description of our data practices in this Notice covers the twelve (12) months preceding the above-referenced effective date.

#### Sources of Personal Information

We may collect your Personal Information directly from you (e.g., when you register for an account); your devices; our affiliates; service providers; public sources of data; credit reporting agencies; or other businesses or individuals.

#### Collection of Personal Information

We collect and disclose Personal Information as follows:

Category of Personal Information	Examples of Personal Information Collected	Categories of Third Parties to Which We Have Disclosed Personal Information
1. Identifiers	Full name, alias, postal address, unique	• Vendors (e.g., data analytics providers, technology providers, payment processors, and marketing services providers);

Category of Personal Information	Examples of Personal Information Collected	Categories of Third Parties to Which We Have Disclosed Personal Information
	personal identifiers, online identifier, Internet Protocol address, e-mail address, and account name.	<ul style="list-style-type: none"> <li>• Other members of our corporate group; and</li> <li>• Governmental entities.</li> </ul>
2. Personal Records	Address, telephone number, and financial information (e.g., payment card information).	<ul style="list-style-type: none"> <li>• Vendors (e.g., data analytics providers, payment processors, and marketing services providers).</li> </ul>
3. Commercial Information	Records of products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	<ul style="list-style-type: none"> <li>• Other members of our corporate group.</li> </ul>
4. Internet Usage Information	When you browse our websites or mobile applications (collectively, “Websites”) or otherwise interact with us online, we may collect browsing history, search history, and other information regarding your interaction with our	<ul style="list-style-type: none"> <li>• Vendors (e.g., data analytics providers, payment processors, and marketing services providers);</li> <li>• Other members of our corporate group; and</li> <li>• Marketing partners.</li> </ul>

Category of Personal Information	Examples of Personal Information Collected	Categories of Third Parties to Which We Have Disclosed Personal Information
	Websites or advertisements.	
5. Geolocation Data	If you interact with us online, we may gain access to the approximate location of the device or equipment you are using.	<ul style="list-style-type: none"> <li>• Vendors (e.g., data analytics providers, payment processors, and marketing services providers); and</li> <li>• Other members of our corporate group.</li> </ul>
6. Professional or Employment Information	Professional, educational, or employment-related information.	<ul style="list-style-type: none"> <li>• Vendors (e.g., data analytics providers, payment processors, and marketing services providers); and</li> <li>• Other members of our corporate group.</li> </ul>
7. Sensitive Personal Information	Account log-in (e.g., username and password to online account with the Company).	<ul style="list-style-type: none"> <li>• Vendors (e.g., data analytics providers, payment processors, and marketing services providers); and</li> <li>• Other members of our corporate group.</li> </ul>
	Communication content (e.g., the contents of a consumer's mail, email, and text messages, other than where the Company is the intended recipient of the communication).	<ul style="list-style-type: none"> <li>• Vendors (e.g., data analytics providers, payment processors, and marketing services providers); and</li> <li>• Other members of our corporate group.</li> </ul>

**Sale of Personal Information**

In the past 12 months, our “sale” and “sharing” (as those terms are defined by the CCPA) of Personal Information was limited to providing identifiers, geolocation information and Internet usage information to certain third-party marketing providers that placed certain cookies and other tracking technology on our Websites. Such third parties used such Personal Information for several purposes, including to track activity across Websites, to infer information about visitors, and to provide visitors with personalized content. Please note that we have ceased this practice and no longer sell or share Personal Information. For further information, see our [Cookie Policy](#). We do not knowingly sell or share the Personal Information of individuals under 16 years of age. If you think we may have unknowingly collected Personal Information of an individual under 16 years old, please contact us [privacy@act.com](mailto:privacy@act.com).

### **Retention of Personal Information**

The length of time for which we retain each category of Personal Information described above depends on the purposes for which we collected and use it and as required to comply with applicable laws. We keep your Personal Information for no longer than reasonably necessary to achieve the purposes for which it was collected or processed. The criteria used to determine the period of time such Personal Information is retained includes the nature and sensitivity of the Personal Information, the potential risk of harm from unauthorized use or disclosure of the Personal Information, as well as on the basis of applicable legal requirements (such as applicable statutes of limitation).

### **Use of Personal Information**

We may collect, use and disclose Personal Information to the third parties described above for the following purposes:

- To provide our products and services, such as to register and administer accounts on our Websites; provide customer support; diagnose, repair and track service and product quality issues; communicate with you about our products and services; authenticate your identity; verify eligibility for certain programs; to respond to requests, complaints, and inquiries; and otherwise facilitate your relationship with us.
- To prevent fraud, such as using Personal Information about you obtained through our products and services to confirm your identity and detect, prevent, and respond to security incidents or other malicious, deceptive, fraudulent, or illegal activity.
- For our own internal business purposes, such as to evaluate or audit the usage, performance and safety of our products and services; evaluate and improve the quality of such products and services and design new products and services; operate our Websites; internal research and analytics purposes; display or evaluate the effectiveness of our advertising or marketing efforts; evaluate and improve the quality of your interactions with us; catalog your responses to surveys or questionnaires; or maintain internal business records.
- For marketing, such as for contextual ad customization or to market our products and services and the services of our affiliates or other third parties. We may use Personal Information we collect to send you newsletters, surveys, questionnaires, promotions, or information about events. You can unsubscribe to our email marketing via the link in the email.

## Use of Sensitive Personal Information

The CCPA creates a class of “**Sensitive Personal Information**” that carries with it certain protections and consists of data such as social security, driver’s license, state identification card, or passport numbers; account log-in, financial account, debit card, or credit card numbers in combination with any required access code or password allowing access to an account; information revealing a consumer’s racial or ethnic origin, religious or philosophical beliefs, union membership, health or sexual orientation; genetic data; and biometric information used for uniquely identifying a consumer.

We do not use or disclose Sensitive Personal Information for purposes other than the following:

- To perform the services or provide the goods reasonably expected by an average consumer who requests those goods or services.
- To detect security incidents that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal information.
- To resist malicious, deceptive, fraudulent, or illegal actions directed at us and to prosecute those responsible for those actions.
- To ensure the physical safety of natural persons.
- For short-term, transient use, including, but not limited to, nonpersonalized advertising shown as part of a consumer’s current interaction with us.
- To perform services on behalf of our business, such as maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing analytic services, providing storage, or providing similar services on behalf of our business.
- To verify or maintain the quality or safety of a service or device that we own, manufacture or control, and to improve, upgrade, or enhance a service or device we own, manufactured or control.

## Disclosure of Personal Information

We may disclose Personal Information to the categories of recipients described below:

- Affiliates and subsidiaries. We may share Personal Information our parent, subsidiaries, business units, and other companies that share common ownership for the purposes described above.
- Service providers. We may share information with service providers or subcontractors that help us perform our business functions, including completing a transaction you request or supporting our relationship with you, such as IT providers, accountants, logistics providers, analytics companies, and marketing providers.

- Customers. We share Personal Information with third party customers for which we act as a service provider in connection with providing our products and services.
- Law enforcement and other government agencies. We may share information with third parties like law enforcement or other government agencies to comply with law or legal requirements; to enforce or apply our Website Terms of Use and other agreements; and to protect ours, our users', or third parties' rights, property or safety.
- Parties to a corporate transaction. In the event that we enter into, or intend to enter into, a transaction that alters the structure of our business, such as a reorganization, merger, sale, joint venture, assignment, transfer, change of control, or other disposition of all or any portion of our business, assets or stock, we may share Personal Information with third parties in connection with such transaction. Any other entity which buys us or part of our business will have the right to continue to use your Personal Information, but only in the manner set out in this Notice.

### **Session Replay Technology**

We use session recording and replay technology to observe your mouse movements, scrolling, and clicks on our Websites. We use these tracking tools for support and analytics purposes, and to better understand how people engage with our Websites. This information is often collected and processed by our service providers who we have engaged to analyze this information on our behalf. When you visit our Websites, you are asked to consent to our collection, use, and disclosure of this information using session replay technology. If you do not consent, this information will not be collected. For more information about Heap, please see the [Heap Privacy Policy](#).

### **YOUR PRIVACY RIGHTS AND HOW TO EXERCISE THEM**

As described below, subject to certain limitations and meeting the CCPA's requirements for exercising your privacy rights, California residents may exercise the privacy rights described in this section. If you are a resident of a state other than California, you are not entitled to the privacy rights described below.

#### **Right to Access**

California residents have a right to request the following for the 12-month period prior to the request date:

- the categories of Personal Information we have collected about you;
- the categories of sources from which we collected your Personal Information;
- the business purposes or commercial purposes for our collecting, selling, or sharing your Personal Information;
- the categories of third parties to whom we have disclosed your Personal Information;

- a list of the categories of Personal Information disclosed for a business purpose and, for each, the categories of recipients, or that no disclosure occurred; and
- a list of the categories of Personal Information sold or shared about you and, for each, the categories of recipients, or that no sale or sharing occurred.

You may request a transportable copy, subject to applicable request limits, of the specific Personal Information that we have collected about you and are maintaining.

### **Right to Delete**

You may request that we delete your Personal Information, subject to our legal right to retain such Personal Information in certain circumstances. Note that we are not required to delete Personal Information that we did not collect directly from you.

### **Right to Correct Your Personal Information**

You may request that we correct Personal Information that is inaccurate and we will correct such Personal Information, to the extent required by applicable law.

### **How to Exercise Your Consumer Privacy Rights**

To submit a request to exercise your privacy rights, or to submit a request as an authorized agent, use our "[Your Privacy Choices](#)" Portal, or call us at 1-844-938-6767 and respond to any follow-up inquiries we make. Please be aware that we do not accept or process requests through other means (e.g., via email, fax, chats, social media etc.).

#### *Verifying Your Identity*

As permitted or required by the CCPA, we will ask you to provide verifying information, such as your name, e-mail, and telephone number, when you submit a request to exercise your privacy rights. We will review the information provided and may request additional information to confirm your identity and to ensure that we are applying your request to the Personal Information of the correct individual.

We verify each request as follows:

- *Right to Know (Categories of Personal Information)*. We will verify your Request to Know Categories of Personal Information by matching at least two data points you provide with data points we maintain.

- Right to Know (Specific Personal Information). We will verify your Request to Know Specific Personal Information by matching at least three data points you provide with data points we maintain, together with a signed declaration under penalty of perjury that you are the consumer whose Personal Information is the subject of the request.
- Do Not Sell or Share. No specific verification is required unless we suspect fraud. However, to ensure that we are applying your request to the Personal Information of the correct individual, we will match at least two data points you provide with data points we maintain.
- Right to Delete. We will verify your Request to Delete by matching either two or three data points you provide with data points we maintain, depending on the sensitivity of the Personal Information and the risk of harm to the consumer posed by unauthorized deletion.
- Right to Correct. We will verify your Request to Correct Personal Information by matching either two or three data points you provide with data points we maintain, depending on the sensitivity of the Personal Information and the risk of harm to the consumer posed by unauthorized correction.

If we are unable to verify you sufficiently, we will be unable to honor your request. We will use Personal Information provided in connection with the exercise of privacy rights only to verify your identity or authority to make the request and to track and document request responses, unless you also gave it to us for another purpose.

#### *Using an Authorized Agent*

You may use an authorized agent to exercise your rights on your behalf. An authorized agent may demonstrate that the agent has authority to exercise rights on the requesting consumer's behalf by submitting supporting documentation by uploading such documentation through our "[Your Privacy Choices](#)" Portal. At a minimum, we will require evidence of the agent's identity (via passport or driver's license submission), and at least one of the following evidencing proof of your legal authority to act on the behalf of the individual who is the subject of this request:

- Written authorization signed by the consumer; or
- Certified copy of a Power of Attorney.

Whenever you interact with us on behalf of another individual or entity, such as by providing or accessing Personal Information about another individual, you represent that your interactions and exchanges comply with the CCPA. You shall have sole responsibility for any violation of applicable laws as a result of a failure to obtain any necessary consent from such individual.

#### **Our Responses**

If we deny a request to exercise privacy rights, in whole or in part, we will explain the reasons in our response. We will make commercially reasonable efforts to identify Personal Information that we process to respond to your request(s). In some cases, particularly with voluminous and/or typically irrelevant data, we may suggest you receive the most recent or a summary of your Personal Information and give you the



opportunity to elect whether you want the rest. We reserve the right to direct you to where you may access and copy responsive Personal Information yourself. We will typically not charge a fee to fully respond to your requests; provided, however, that we may charge a reasonable fee, or refuse to act upon a request, if your request is excessive, repetitive, unfounded, or overly burdensome. If we determine that the request warrants a fee, or that we may refuse it, we will give you notice explaining why we made that decision. You will be provided a cost estimate and the opportunity to accept such fees before we will charge you for responding to your request.

Consistent with the CCPA and our interest in the security of your Personal Information, we will not deliver to you your account security questions or answers in response to a privacy rights request.

### **Opt-Out Preference Signals**

Under the CCPA, “opt-out preference signals” (“**OOPS**”) are signals sent by a platform, technology, or mechanism, enabled by individuals on their devices or browsers, that communicate the individual’s choice to opt-out of the sale and sharing of Personal Information. To use an OOPS, you can download an Internet browser or a plugin to use on your current Internet browser and follow the settings to enable the OOPS. Because we no longer sell or share Personal Information, we do not process OOPS.

### **NON-DISCRIMINATION/NON-RETALIATION**

We will not discriminate or retaliate against you in a manner prohibited by the CCPA for your exercise of your privacy rights.

### **CONTACT US**

If you have any questions, comments, or concerns about our privacy practices, please contact us by e-mail at [privacy@act.com](mailto:privacy@act.com), call us at 1-844-938-6767, or visit the “[Contact Us](#)” section of our Website. Please note that e-mail communications will not necessarily be secure; accordingly, you should not include sensitive information in your e-mail correspondence with us.