

CCPA Privacy Notice

Last Updated January 1, 2020

Legal Entities

This California Consumer Privacy Act Privacy Notice (“CCPA Notice”) supplements Flexibility Capital Inc.’s Privacy Notice and Flexibility Capital’s [online Privacy Policies](#) (collectively, “Privacy Policies”). The term Flexibility Capital Inc. (collectively, “Flexibility Capital”, “we”, “us”, or “our”) in this CCPA Notice refer to any affiliates or subsidiaries of Flexibility Capital that link to this CCPA Notice.

Introduction and Applicability

Your privacy is important to us. This CCPA Notice explains how we collect, use, share, and disclose personal information about **California residents** covered by the California Consumer Privacy Act of 2018 (“CCPA”). This notice explains how California residents can exercise their rights under the CCPA to request that we: (1) provide certain personal information that we have collected about them during the past 12 months, along with related information described below, (2) delete certain personal information that we have collected from them, or (3) opt consumers out of the sale of certain personal information.

This CCPA Notice uses certain terms that have the meaning given to them in the CCPA. Under the CCPA, “personal information” is information that identifies, relates to, or could reasonable be linked with a particular California resident or household.

Personal information does not include the following:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.

With a limited exception, and as noted in other sections of this CCPA Notice, certain provisions of the CCPA do not apply to:

- Certain personal information covered by or collected under industry-specific privacy laws including, but not limited to, the Health Insurance Portability and Accountability Act of 1996, the California Confidentiality of Medical Information Act, the Fair Credit Reporting Act, the Gramm-Leach-Bliley Act, the California Financial Information Privacy Act, and the Driver's Privacy Protection Act of 1994.
- Personal information that we collect about you when you are acting as our job applicant, employee, owner, director, officer, medical staff member, or contractor to the extent that we collect and use your personal information solely within the context of that role. This also includes your emergency contact information and personal information that is necessary for us to retain to administer benefits for you. However, you will still receive a notice at the time of collection which outlines the categories of personal information we collect and the purposes for which we collect the categories of personal information. Additional CCPA employment-related disclosure(s) supplement

this CCPA Notice and will provide you with information on the personal information we collect, use and disclose specific to the job application and employment context, respectively.

- Personal information we receive from you reflecting a communication or transaction between us and another business when you are acting as an employee, owner, director, officer, or contractor of such company, partnership, sole proprietorship, nonprofit, or government agency and you are seeking a product or service from us for the company, partnership, sole proprietorship, nonprofit, or government agency (a **“Business Consumer”**). Where applicable, we have outlined the limited rights afforded to Business Consumers below.

1. Notice of Collection and Use of Personal Information

We may collect the following categories of personal information about you:

Category	Examples	Collected
A. Identifiers	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	Yes
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e))	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	Yes
C. Protected classification characteristics under California or federal law	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	Yes
D. Commercial information	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	Yes
E. Biometric information	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a	No

	template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	
F. Internet or other similar network activity	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	Yes
G. Geolocation data	Physical location or movements.	Yes
H. Sensory data	Audio, electronic, visual, thermal, olfactory, or similar information.	Yes
I. Professional or employment-related information	Current or past job history or performance evaluations.	Yes
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99))	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	No
K. Inferences drawn from other personal information	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	Yes

We may use the categories of personal information listed above for the purposes described in our Privacy Policies. In addition, we may use these categories of personal information for certain business purposes specified in the CCPA, as described in this table:

Purposes	Categories of Personal Information
Performing services, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services, providing analytics services, or providing similar services	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Internet or other similar network activity • Geolocation data • Sensory data

	<ul style="list-style-type: none"> • Professional or employment-related information • Inferences drawn from other personal information
Auditing related to a current interaction with you and concurrent transactions, including, but not limited to, counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance	<ul style="list-style-type: none"> • Identifiers • Commercial information • Internet or other similar network activity • Geolocation data • Inferences drawn from other personal information
Short-term, transient use, including, but not limited to, the contextual customization of ads shown as part of the same interaction	<ul style="list-style-type: none"> • Identifiers • Commercial Information • Internet or other similar network activity • Geolocation data • Inferences drawn from other personal information
Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Internet or other similar network activity • Geolocation data • Sensory data • Professional or employment-related information • Inferences drawn from other personal information
Debugging to identify and repair errors that impair existing intended functionality	<ul style="list-style-type: none"> • Identifiers • Commercial information • Internet or other similar network activity • Geolocation data • Inferences drawn from other personal information
Undertaking internal research for technological development and demonstration	<ul style="list-style-type: none"> • Identifiers • Commercial information • Internet or other similar network activity • Geolocation data • Inferences drawn from other personal information

<p>Undertaking activities to verify or maintain the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by us, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by us</p>	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Internet or other similar network activity • Geolocation data • Sensory data • Professional or employment-related information • Inferences drawn from other personal information
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2. Our Prior Collection, Use and Disclosure of Personal Information

We may have collected and used your personal information, as described in section 1 above, during the 12-month period prior to the Last Updated date of this CCPA Notice. For the personal information collected during that timeframe, we describe below: (a) the categories of sources from which we may have obtained the personal information, (b) the categories of third parties with whom we may have shared the information, (c) the categories of personal information we may have sold, and (d) the categories of personal information we may have disclosed for a business purpose.

a. Sources of Personal Information

We may have obtained personal information about you from various sources, as described below.

Categories of Sources of Data Collection	Categories of Personal Information
Directly from you	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Sensory data • Professional or employment-related information
From your devices, such as when you visit our websites, online and mobile applications	<ul style="list-style-type: none"> • Identifiers • Commercial information • Internet or similar network activity • Geolocation data

	<ul style="list-style-type: none"> • Inferences drawn from other personal information
Other individuals, such as authorized agents or family members	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Internet or other similar network activity • Geolocation data • Sensory data • Professional or employment-related information
Our affiliates	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Internet or other similar network activity • Geolocation data • Sensory data • Professional or employment-related information • Inferences drawn from other personal information
Vendors who provide services on our behalf	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Internet or other similar network activity • Geolocation data • Sensory data • Professional or employment-related information • Inferences drawn from other personal information
Our joint marketing partners	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80

	<ul style="list-style-type: none"> • Commercial information • Internet or other similar network activity • Geolocation data • Inferences drawn from other personal information
Social Networks	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Professional or employment-related information • Inferences drawn from other personal information
Government entities and other publicly-available sources	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Professional or employment-related information
Consumer data resellers	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Professional or employment-related information

b. Sharing of Personal Information

We may have shared your personal information with certain categories of third parties, as described below.

Categories of Third Parties	Categories of Personal Information
Our affiliates	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80

	<ul style="list-style-type: none"> • Protected classification characteristics under California or federal law • Commercial information • Internet or other similar network activity • Geolocation data • Sensory data • Professional or employment-related information • Inferences drawn from other personal information
Vendors who provide services on our behalf	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Internet or other similar network activity • Geolocation data • Sensory data • Professional or employment-related information • Inferences drawn from other personal information
Professional services organizations, such as auditors and law firms	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Sensory Data • Professional or employment-related information • Inferences drawn from other personal information
Our joint marketing partners	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Commercial information • Internet or other similar network activity • Geolocation data • Inferences drawn from other personal information

<p>Our business partners</p>	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Internet or other similar network activity • Geolocation data • Professional or employment-related information • Inferences drawn from other personal information
<p>Advertising networks</p>	<ul style="list-style-type: none"> • Identifiers • Commercial information • Internet or other similar network activity • Geolocation data • Inferences drawn from other personal information
<p>Data analytics providers</p>	<ul style="list-style-type: none"> • Identifiers • Commercial information • Internet or other similar network activity • Geolocation data • Inferences drawn from other personal information
<p>Government entities</p>	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Commercial information • Internet or other similar network activity • Geolocation data • Sensory data • Professional or employment-related information • Inferences drawn from other personal information
<p>Operating Systems and platforms</p>	<ul style="list-style-type: none"> • Identifiers • Commercial information • Internet or other similar network activity • Geolocation data

	<ul style="list-style-type: none"> • Inferences drawn from other personal information
Social networks	<ul style="list-style-type: none"> • Identifiers • Personal information Subject to Cal. Civ. Code § 1798.80 • Protected classification characteristics under California or federal law • Internet or other similar network activity • Geolocation data • Professional or employment-related information • Inferences drawn from other personal information
Consumer data resellers	<ul style="list-style-type: none"> • Identifiers • Commercial information • Internet or other similar network activity • Geolocation data • Inferences drawn from other personal information

c. Sale of Personal Information

We may allow certain third parties (such as online web analytic services) to collect your personal information via automated technologies on our websites such as to provide personalized pages for visitors and provide assistance during the website visit. You have the right to opt out of this disclosure of your information, as detailed below.

During the 12-month period prior to the Last Updated date of this CCPA Notice, we may have sold the following categories of personal information:

- Identifiers such as a unique personal identifier (such as a device identifier; cookies, beacons, pixel tags, mobile ad identifiers and similar technology), online identifier, and Internet Protocol (“IP”) address
- Commercial information, including records of personal property, products or services considered, and other purchasing or consuming histories or tendencies
- Internet and other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding your interaction with websites, applications or advertisements
- Inferences drawn from any of the information identified above to create a profile about you reflecting your preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes

We do not sell the personal information of minors under 16 years of age without affirmative authorization if we have actual knowledge of the individual's age.

d. Disclosure of Personal Information for a Business Purpose

We may have disclosed to third parties the following categories of personal information for a business purpose:

- Identifiers
- Personal information Subject to Cal. Civ. Code § 1798.80
- Protected Classifications characteristics under California or federal law
- Commercial Information
- Internet or other similar network activity
- Geolocation data
- Sensory data
- Professional or employment-related information
- Inferences drawn from other personal information

3. California Consumer Privacy Rights

You have certain choices regarding your personal information, as described below.

Right to Know/Access: You have the right to send us a verifiable request, twice in a 12-month period, asking that we disclose to you the personal information we have collected, used, disclosed and sold about you during the past 12 months. **This right does not apply to Business Consumers, current or former employees, and job applicants.**

For security purposes, there is certain information that we will not disclose to you. This information includes, but is not limited to, your Social Security number, driver's license number or other government-issued identification number, financial account number, and any health insurance or medical identification number.

Right to Request Deletion: You have the right to submit a verifiable request asking that we delete certain personal information we have collected from you. **This right does not apply to Business Consumers, current or former employees, and job applicants.**

Right to Opt-Out of Sale: You have the right to opt-out of the sale of your personal information to third parties. This right does not apply to exceptions listed under the section above titled **Introduction and Applicability**, those subject to Cal. Civ. Code § 1798.45, or others subject to applicable law.

How to Submit a Request.

To request the categories and specific personal information we collect or delete your personal information, click [here](#) and complete our CCPA Personal Information Request Form or call us toll-free at 888-891-6772.

To request the opt-out of sale of your personal information, please visit our "Opt-Out" web page or call us toll-free at 888-891-6772.

If you would like to opt-out of the sale of your personal information associated with a different device or browser, please submit an opt-out request using that device or browser. Please note that if you clear your cookies on a particular browser or device, you may need to resubmit your opt-out request again from that device or browser.

Verifying Requests. To help protect your privacy and maintain security, we will take steps to verify your identity before granting you access to your personal information or complying with your request. If you request access to or deletion of your personal information, we will require you to provide certain information, including but not limited to, your name, address, date of birth, email address, telephone number, or other identifiable information. In addition, we will require you to complete and sign a declaration under penalty of perjury that you are the consumer whose personal information is the subject of the request. If you designate an authorized agent to make an access, deletion or opt-out of sale request on your behalf (a) we will require you to provide the authorized agent written permission to do so, and (b) will require you to verify your own identity directly with us (as described above). For more information, click on the applicable link above under the section **How to Submit a Request**.

In response to verified requests, we will confirm receipt of the request within 10 business days of receipt of the request, and disclose and deliver the required information to you free of charge within 45 days of receiving a verifiable consumer request. We may extend this time period to provide once by an additional 45 days when reasonably necessary. We will provide notice of the extension within the first 45-day period, including the reason(s) for the delay.

Additional Information. If you choose to exercise any of your rights under the CCPA, you have the right to not receive discriminatory treatment by us. We will not discriminate against you because you elect to exercise these rights, including by:

- Denying goods or services to you
- Charging you different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties
- Providing a different level or quality of goods or services to you
- Suggesting that you will receive a different price or rate for goods or services or a different level of goods or services

Changes to this CCPA Notice

We reserve the right to amend this CCPA Notice at our discretion and at any time. When we make changes, we will post the revised CCPA Notice on this webpage indicating when the CCPA Notice was "Last Updated".