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PRIVACY POLICY

This Privacy Policy (“**Policy**”) of Empower Federal Credit Union, a not-for-profit financial cooperative federally chartered under the laws of the United States, together with any affiliates that control or are controlled by such cooperative (“**our,**” “**us,**” or “**we**”), applies to each individual from whom we receive personal information or a communication (“**you**” or “**your**”). This Policy relates to our [Terms of Use](#), which incorporate this Policy.

The full view of this Policy is provided below. For your convenience, you may use the following links to go directly to the different sections of this Policy:

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1. INTRODUCTION

1.1 Scope

We are a financial institution regulated by the Gramm-Leach-Bliley Act and its related regulations (collectively, the “**GLBA**”). The majority of our members, for themselves or on behalf of someone else, obtain or have obtained a financial product or service from us that is to be used primarily for personal, family, or household purposes. The GLBA governs the nonpublic personal information (including personally identifiable financial information) for such individuals. If you are this type of member, please read our Federal Privacy Notice to understand how we may use your nonpublic personal information in accordance with the GLBA.

Apart from the GLBA, certain federal and state laws relating to data privacy, marketing, communications, or information practices (collectively, the “**General Privacy Laws**”) might apply to us. The purpose of this Policy is to explain your rights under applicable General Privacy Laws and address the types of personal information, communications, and activities that are covered by applicable General Privacy Laws.

Because this Policy does not apply to any information, communications, or activities that are regulated by the GLBA or are otherwise outside of the scope of the General Privacy Laws, no statements or terms in this Policy will limit or restrict our rights under the GLBA. This means that the rights identified in section 3.5 of this Policy do not apply to any such information, communications, or activities that are regulated by the GLBA or are otherwise outside the scope of the General Privacy Laws.

You accept this Policy by using this website or otherwise providing personal information or communications to us.

1.2 Meaning of “Share” and Other Words

- “**Share.**” According to the California Consumer Privacy Act and its regulations (collectively, the “**CCPA**”), the word “share” generally means to provide personal information to a third party for the purpose of cross-context behavioral advertising. Since this definition of “share” is quite different from the ordinary meaning of this word, we

placed this word in quotations (shown as “share”) throughout this Policy for better understanding.

- **Other Defined Terms.** In this Policy, we use certain words that have specific meanings with respect to applicable General Privacy Laws, such as “automated profiling,” “ADMT,” “significant decision,” “biometric information,” “personal information,” “process,” “sensitive personal information,” “sell,” “share,” and “targeted advertising” (which means the same as “cross-context behavioral advertising” under the CCPA). For the full list of words and definitions, please see the Definitions at the end of this Policy.

1.3 Updates. We may update this Policy from time to time, so please review this Policy webpage periodically.

2. HOW WE COLLECT PERSONAL INFORMATION

2.1 Through Our Environment. The following is a list of the resources and property that we and our affiliates may use to collect your personal information, which, depending on the nature of your interactions with us, may not include all of the examples listed below (collectively, our “Environment”):

- The website displaying this Policy, including our chatbot or virtual assistant, job portal, and any other web portals controlled by us or our affiliates that are connected to this website (collectively, our “Website”).
- Our social channels that may enable you to communicate with us.
- Our mobile applications that enable you to communicate with us.
- Our phone systems and video communication systems that enable you to communicate with us.
- The electronic scanners and security cameras located at any facility or venue that we use.
- Any surveys, forms, mobile devices, and other materials used by us or our affiliates to collect any answers or feedback from you.

2.2 Automatically Through Tracking Technologies. Depending upon your location, our Website may use tracking technologies to automatically collect or process certain types of personal information. These technologies may be out of view or beneath your screen. For more details, please see Tracking Technologies.

3. OUR NOTICES TO YOU

3.1 Categories of Personal Information. The following is a list of the categories of personal information that we collect:

- Identifiers, such as 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.
- Personal information of the type described in the definition of "records" in § 1798.80(e) of the California Civil Code.
- Characteristics of protected classifications under California or federal law.
- Commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.
- Biometric information.
- Internet or other electronic network activity information, including, browsing history, search history, and information regarding a consumer's interaction with an internet website application or advertisement.
- Geolocation data.
- Audio, electronic, visual, or similar information.
- Professional or employment-related information.

3.2 Categories of Receivers of Personal Information. In each of the categories of personal information listed above, we may disclose your personal information to the following third-party receivers:

- **Suppliers of Technology Resources** – third parties that provide software, software-as-a-service, or other technology resources connected to our Environment.
- **Contractors** – third parties that provide, lease, or license products, services, data centers, or other facilities to us, such as customer support providers, payment processing consultants, order fulfillment contractors, product developers, event managers, information technology consultants, cyber security advisors, computer programmers, business advisors, auditors, accountants, and attorneys.
- **Corporate Affiliates** – third parties that control us, that we control, or that are under common control with us, such as our parents, subsidiaries and sister entities.
- **Legal Authorities** – legal authorities, such as courts, judicial authorities, law enforcement authorities, or governmental authorities (including federal, state, or local authorities) involved in or relating to any civil, criminal, or regulatory inquiry, investigation, search warrant, subpoena, summons, order, injunction, or mandate issued by any such legal authority.

3.3 Categories of Sources of Personal Information. For each of the categories of personal information listed above, we may obtain your personal information from the following categories of sources:

- **You** – You may send us your personal information when you use our products, services, or Environment. For example, you may provide your personal information to us by phone, email, text message, online form submission, chatbot or virtual assistant messaging, in-person discussion, or other communications.
- **Your Devices** – We may pull your personal information from your devices and browsers through Trackers, as described in [Tracking Technologies](#).
- **Our Affiliates** – Our affiliates may collect your personal information for our Operational Purposes.
- **Public Sources** – We may collect your personal information from publicly accessible sources of information, including publishers of public records, news media, and online content.

3.4 Our Operational Purposes. In each of the categories of personal information listed above, we may collect, use, or disclose your personal information for the following purposes as well as our operational purposes or other purposes described in our notices to you, provided that our use of your personal information is necessary and proportionate to achieve the purpose for which we collected or processed your personal information or for another purpose that is compatible with the context in which we collected your personal information (collectively, our “**Operational Purposes**”):

- **Quality and Safety** – 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, or to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by us.
- **Security** – helping to ensure security and integrity to the extent the use of your personal information is reasonably necessary and proportionate for these purposes.
- **Services** – performing services on our behalf, including 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 our behalf.
- **Short-Term Use** – short-term, transient use, including non-personalized advertising shown as part of your current interaction with us, provided that your personal information is not disclosed to another third party and is not used to build a profile about you or otherwise alter your experience outside the current interaction with us.

- **Incident Investigation** – preventing, detecting, and investigating security incidents that compromise the availability, authenticity, integrity, or confidentiality of stored or transmitted personal information.
- **Resistance to Illegal Action** – resisting malicious, deceptive, fraudulent, or illegal actions directed at us and to prosecute those responsible for those actions.
- **Physical Safety** – ensuring the physical safety of natural persons.
- **Non-Inference** – a purpose other than inferring characteristics about you that involves any collection or processing of your sensitive personal information.
- **Auditing** – auditing related to counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance with this specification and other standards.
- **Debugging** – debugging to identify and repair errors that impair existing intended functionality.
- **Marketing** – providing advertising and marketing services to you provided that, for the purpose of advertising and marketing, we will not combine the personal information of opted-out individuals that we receive with personal information that we receive from another person or that we collect from our own interaction with individuals.
- **Internal Research** – undertaking internal research for technological development and demonstration.

3.5 Explanation of Your Personal Information Rights

- **Right to Know.** You have the right under the applicable General Privacy Laws to request that we disclose the following to you:
 - **Confirmation** – whether we are collecting, using, storing, disclosing, analyzing, deleting, modifying, or otherwise processing your personal information.
 - **Categories of Personal Information** – the categories of personal information that we have collected about you.
 - **Categories of Receivers** – the categories of third parties to whom we have disclosed your personal information.
 - **Categories of Sources** – the categories of sources from which we have collected your personal information.
 - **Categories of Sales/Sharing** – the categories of any of your personal information that we have sold to third parties or “shared” with third parties.
 - **Categories of Third Parties Involved in Sales/Sharing** – the categories of any third parties to whom we have sold or with whom we have “shared” your personal information.

- **Purpose** – our business or commercial purpose for doing any of the following activities: collecting your personal information, selling it, “sharing” it, or processing it for targeted advertising.
- **Portability/Access** – the specific pieces of personal information that we have collected about you, which may be requested in a portable, and to the extent technically feasible, readily usable format that enables you to transmit the personal information to another entity without hindrance.
- **Right to Request Deletion.** You have the right to request that we delete your personal information that we have collected.
- **Right to Request Correction.** You have the right to request that we correct any inaccurate personal information about you that we maintain.
- **Right to Opt Out.** You have the right, at any time, to take the following steps:
 - Direct any business not to sell your personal information.
 - Direct any business not to “share” or process your personal information for targeted advertising purposes.
 - Opt out of automated profiling for advertising.
 - Opt out of automated profiling conducted in furtherance of decisions that produce legal or similarly significant effects concerning you.
- **Right of Non-Discrimination and Non-Retaliation.** You have the right to be free of discrimination and retaliation related to your exercise of any of your rights provided in this Policy or otherwise under applicable law, including your exercise of these rights in your role as an applicant for an education program, a job applicant, a student, an employee, or an independent contractor.
- **Right to Authorize an Agent.** To exercise your rights described above, you have the right to authorize another person to provide us with your requests.

3.6 Methods to Submit Requests and Appeals

To exercise your rights described above or within the section, Our Notices Regarding Certain Jurisdictions, you may provide your request or appeal to us by using any of the following methods:

- Completing and submitting our webform.
- Writing us at the following address:

Empower Federal Credit Union
 Attn: Legal
 1 Member Way
 Syracuse, New York 13212

- Calling the following toll-free phone number: 1-800-462-5000

For certain requests, we may require identity verification in accordance with applicable law.

4. OUR NOTICES REGARDING CERTAIN JURISDICTIONS

4.1 California Consumer Privacy Act. To the extent that we are subject to the CCPA, we provide the following notices to California residents:

- **Sale/Share Notice.** We do not sell or “share” personal information or sensitive personal information of California residents, if any is collected. Also, we do not have actual knowledge of selling or “sharing” personal information of California residents under 16 years of age.
- **Sensitive Personal Information Notice.** We do not use or disclose sensitive personal information of California residents for purposes other than those that are reasonably necessary and proportionate as permitted by the CCPA. These permitted purposes include the following:
 - Our purposes that are necessary to perform the services or provide the goods reasonably expected by an average consumer who requests those goods or services.
 - Our purposes of quality and safety, security, services, short-term use, incident investigation, resistance to illegal action, physical safety, and non-inference, as described in the section, Our Operational Purposes.
- **Right to Limit Use/Disclosure of Sensitive Personal Information.** As a California resident, you have the right, at any time, to direct any business that collects your sensitive personal information to limit its use of your sensitive personal information to the extent permitted by the CCPA.
- **Right to Opt Out of ADMT.** As a California resident, you have the right to opt out of a business’s use of ADMT to make a significant decision involving you unless the business:
 - provides you with a method to appeal the decision in accordance with the CCPA;
 - uses the ADMT solely to assess your ability to perform at work or in an educational program, as provided in the CCPA; or
 - uses the ADMT solely for the business’s allocation/assignment of work or compensation, as provided in the CCPA.
- **Right to Access ADMT.** If you are a California resident, and a business uses ADMT to make a significant decision involving you, you have the right to access the ADMT by using the method of disclosure or access provided by the business in accordance with the CCPA.
- **Categories of Sensitive Personal Information.** In our operations, we collect sensitive personal information in accordance with applicable law from individuals, some of whom could be California residents, within the following categories:

- Workforce data
 - Customer relationship data
 - Vendor relationship data
 - Identity-verification data, including biometric information
- **12-Month Notices.** During the past 12 months, we have collected from individuals (some of whom could be California residents), the types of personal information described in the sections, Categories of Personal Information and Categories of Sensitive Personal Information. Also, during the past 12 months, we have disclosed to our service providers and contractors, the types of personal information described in the section, Categories of Personal Information.

4.2 California Online Privacy Protection Act. You might decide to adjust your browser settings or install a browser widget to automatically send a preference signal (e.g., a “Do Not Track” signal or a Global Privacy Control opt-out signal) to websites that you visit. If you are a California resident, you may have the right to know how a business responds to browser preference signals according to California Business and Professional Code Sections 22575-22579, a California law also known as the California Online Privacy Protection Act. We may or may not respond to browser preference signals depending upon legal requirements, other response methods that we provide, and the commercial availability of software solutions that can reliably respond to browser preference signals.

4.3 California Shine the Light Law. Under California Civil Code Section 1798.83 (a California law also known as Information-Sharing Disclosure, Shine the Light), if you are a California resident and your business relationship with us is primarily for personal, family, or household purposes, you may request certain data regarding our disclosure, if any, of your personal information to third parties for their direct marketing purposes. To make such a request, please use one of the methods described in the section, Methods to Submit Requests and Appeals. You may make this request up to once per calendar year. In accordance with this California law, you have the right to receive, by email, the following details: a list of the categories of personal information disclosed to third parties for their direct marketing purposes during the immediately preceding calendar year, the third parties’ names and addresses, and any other information required by this law.

4.4 United States Federal Laws. We may enter into a contract with you (or engage in a transaction with you) that involves our receipt of information from you that is governed or regulated by federal laws and regulations of the United States. Nothing in this Policy will eliminate or decrease any of our obligations under these federal laws. In the event of a conflict between any part of this Policy and any requirements of these federal laws, the requirements of the federal laws will control.

4.5 Europe

4.5.1 Scope. If we expand our operational activities to bring us within the scope of the European General Data Protection Regulation ((EU) 2016/679)) (the “GDPR”), we will comply with the applicable requirements of the GDPR.

4.5.2 Legal Bases for Processing. Also, if we expand and fall within the scope of the GDPR as described above, we may process your personal information as follows:

- Upon your consent for us to process your personal information for one or more specific purposes.
- As necessary for us to process your personal information to perform a contract to which you are a party or to take steps at your request before entering into a contract.
- As necessary for us to process your personal information to comply with a legal obligation to which we are subject.
- As necessary for us to process your personal information for purposes of our legitimate interests pursued by us or a third party (which includes our Operational Purposes), except where the interests are overridden by your interests or fundamental rights and freedoms require protection of personal information, particularly if you are a child.
- For another necessity that arises for which such processing is permitted under the GDPR.

4.5.3 Complaint to Supervisory Authority. Furthermore, if we expand and fall within the scope of the GDPR as described above and you have any concerns regarding our processing of your personal information, the GDPR provides you with the right to lodge a complaint with the supervisory authority established for your location in the European Economic Area, the United Kingdom, or Switzerland.

5. TRACKING TECHNOLOGIES

5.1 Trackers. There are software-related technologies that involve the use of trackers to monitor or track activity (“**Trackers**”). Some Trackers include small data files (e.g., cookies) that websites may store in the web browser of your device, such as your computer or smartphone. Other types of Trackers include small, transparent images (e.g., pixels) that may be embedded within the graphics of a webpage, mobile application screen, or email.

5.1.1 Essential Trackers. Depending upon your location and in accordance with applicable law, we may use essential Trackers, such as essential cookies (sometimes referred to as “necessary cookies” or “strictly necessary cookies”), for one or more of the following purposes: (a) to perform a contract to which you are a party; (b) to take steps at your request before entering into a contract; and (c) to process your personal information as necessary for purposes of our legitimate interests. These purposes may include, for example, our use of essential Trackers for the following functions:

- To save pieces of information you have entered during online transactions at our Website, such as items you have added to a shopping cart, as well as names, addresses, usernames, passwords, and other text you have entered into forms on our Website.

- To verify whether you are logged-in to an account on our Website for authentication and security purposes.
- To operate with adequate security, speed, and electronic performance.

5.1.2 Non-Essential Trackers. Also, depending upon your location, we may use non-essential Trackers, such as non-essential cookies (sometimes referred to as “marketing cookies,” “advertising cookies,” “functional cookies,” “performance cookies,” “targeting cookies,” “analytics cookies,” or “customization cookies”). We may use these non-essential Trackers for our Operational Purposes, including studying how you interact with our Website and spend time viewing particular content on our Website. For example, we may use non-essential Trackers to record your browsing history, such as the particular buttons you have clicked and the particular webpages you have visited. This helps us personalize your experience, improve our Website, enhance our products and services, and identify new products or services that may be in demand.

5.2 How to Change Tracker Settings. There are several ways for you to stop or limit our use of certain types of Trackers. If there is a privacy preferences hyperlink or cookie settings hyperlink on our Website, you may use the hyperlink to disable certain types of Trackers. Also, you may use your web browser’s settings to disable, limit, or delete certain Trackers. Please keep in mind, however, that our Website may not work fully or properly if you disable, limit, or delete Trackers.

5.3 Our Territorial Settings. We may configure certain Trackers so that they do not track or monitor individuals in certain jurisdictions or territories.

6. YOUR CONSENTS

6.1 Sensitive Personal Information. Our Environment may enable you to provide us with your sensitive personal information. If you choose to provide us with your sensitive personal information, doing so will be your consent for our receipt, use, and processing of your sensitive personal information for our Operational Purposes in accordance with applicable law.

6.2 Communications. If you use our Environment to provide us with any communications (including your conversations, messages, emails, mail, or reports) doing so will be your consent for us to carry out the following steps for our Operational Purposes in accordance with applicable law:

- receive, use, and process the communications;
- record the communications; and
- disclose the communications to our affiliates and the third parties described in the section, Categories of Receivers of Personal Information.

6.3 Other. By using our Environment, you confirm that you have fully reviewed this Policy, and you consent to our activities and practices as described in this Policy (including our use of Trackers) in accordance with applicable law.

7. MISCELLANEOUS

7.1 Leaving Our Environment. Our Website may provide buttons or hyperlinks that enable you to leave our Website and connect with platforms controlled by third parties, such as third-party websites, social media venues, and mobile applications. By clicking and using these buttons and hyperlinks, you may leave our Website, which may enable the applicable third party to collect, use, and disclose your personal information. We do not control these third-party platforms, and they are not part of our Environment. We encourage you to review the privacy policies of these third-party platforms and exercise caution before providing your personal information to them.

7.2 Unsubscribing. Our Environment may enable you to subscribe to, opt in to, or sign up for our marketing communications, such as emails or text messages that include our newsletters, updates, or other marketing messages.

- **Email Opt-Out.** To opt out of our emails, you may click the unsubscribe link, opt-out link, or other opt-out mechanism in our emails.
- **Text Message Opt-Out.** To opt out of our text messages, you may use any reasonable method to clearly express your desire not to receive further text messages, including using the opt-out link or opt-out mechanism in our text messages, or replying to our text messages with the word, “stop,” “quit,” “end,” “revoke,” “cancel” or “unsubscribe” if your reply reasonably conveys a request to revoke consent. Depending on your cellular service carrier, your carrier might charge you certain message or data fees related to our text messages.
- **Non-Marketing Communications.** Even if you opt out or unsubscribe to receiving our marketing communications, we may continue to send you non-marketing communications related to products or services that we owe to you, and we may also do so to perform any contractual obligations that we still owe to you.

7.3 Transfers of Personal Information to Non-United States Territories. Unless prohibited by applicable laws or our contractual obligations, we may transfer your personal information from the United States to any other country, where it may be stored and processed for the uses described in this Policy.

7.4 Deidentified Information. With respect to any deidentified information derived from your personal information, we retain the right to collect, process, use, store, sell, disclose, and distribute the deidentified information in accordance with applicable laws. If we exercise this right, we will maintain and use the deidentified information and will not attempt to reidentify it, with the exception that we may reidentify the information only to determine whether our deidentification processes satisfy the requirements of applicable laws.

7.5 User Terms. If we receive personal information through any web portal or mobile app that we own or operate, and the portal or app provides a link to any user terms (e.g., end-user terms or license terms), please carefully review the user terms to understand how the portal or app collects and uses personal information.

7.6 Law Enforcement and Legal Claims. Nothing in this Policy will prevent or restrict us from:

- Complying with federal, state, or local laws, or complying with a court order or subpoena to provide information.
- Complying with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, or local authorities.
- Cooperating with law enforcement agencies concerning conduct or activity that we or our affiliates or associates reasonably and in good faith believe may violate federal, state, or local law.
- Cooperating with a government agency request for emergency access to your personal information if a natural person is at risk or in danger of death or serious physical injury, provided that: (a) the request is approved by a high-ranking agency officer for emergency access to your personal information; (b) the request is based on the agency's good faith determination that it has a lawful basis to access the information on a nonemergency basis; and (c) the agency agrees to petition a court for an appropriate order within three days and to destroy the information if that order is not granted.
- Exercising or defending legal claims.
- Using or disclosing your personal information for the purposes listed above.

7.7 Definitions. In this Policy, we use the words and phrases “including,” “includes,” “such as” and “e.g.” in a non-limiting fashion. The following terms (whether used in capitalized or lowercase form) will have the following meanings in the context of applicable General Privacy Laws:

“**ADMT**” or “automated decisionmaking technology” means any technology that processes personal information and uses computation to replace human decisionmaking, or substantially replace human decisionmaking. For purposes of this definition, to “substantially replace human decisionmaking” means a business uses the technology’s output to make a decision without human involvement. Human involvement requires the human reviewer to: (a) know how to interpret and use the technology’s output to make the decision; (b) review and analyze the output of the technology, and any other information that is relevant to make or change the decision; and (c) have the authority to make or change the decision based on such analysis. ADMT includes automated profiling. ADMT does not include web hosting, domain registration, networking, caching, website-loading, data storage, firewalls, anti-virus, anti-malware, spam- and robocall-filtering, spellchecking, calculators, databases, and spreadsheets, provided that they do not replace human decisionmaking.

“**affiliates**” means our third-party technology suppliers, contractors, corporate affiliates, service providers, processors, vendors, licensors, lessors, and other third parties with whom we have a

business relationship.

“automated profiling” (referred to in some jurisdictions as “profiling”) means any form of automated processing of personal information to evaluate, analyze, or predict personal aspects concerning any identified or identifiable individual’s economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

“biometric information” means an individual’s physiological, biological, or behavioral characteristics (including information pertaining to an individual’s deoxyribonucleic acid (DNA)), that is used or is intended to be used, singly or in combination with each other or with other identifying data, to establish individual identity. Biometric information includes: (a) imagery of the iris, retina, fingerprint, face, hand, palm, vein patterns, and voice recordings, from which an identifier template, such as a faceprint, a minutiae template, or a voiceprint, can be extracted; (b) keystroke patterns or rhythms, gait patterns or rhythms, and sleep, health, or exercise data that contain identifying information; and (c) information based on an individual’s retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry, which is used to identify the individual, excluding any item of such information that is not deemed biometric information according to specific exclusions set forth in applicable law.

“business” means a sole proprietorship, partnership, limited liability company, corporation, association, person other than a consumer, or other legal entity.

“consumer” (referred to in some jurisdictions as “data subject”) means a natural person.

“deidentified” (referred to in some jurisdictions as “pseudonymized”) means information that cannot reasonably be used to infer information about, or otherwise be linked to, a particular consumer, provided that the business that possesses the information satisfies the requirements of applicable law related to the use of deidentified information.

“personal information” (referred to in some jurisdictions as “personal data”) means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household, but personal information does not include: (a) publicly available information as defined or characterized by applicable law; (b) lawfully obtained, truthful information that is a matter of public concern; or (c) consumer information that is deidentified.

“process” or **“processing”** means any operation or set of operations performed, whether by manual or automated means, on personal information or on sets of personal information, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal information.

“security and integrity” means the ability of: (a) networks or information systems to detect security incidents that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal information; (b) businesses to detect security incidents, resist malicious, deceptive, fraudulent, or illegal actions and to help prosecute those responsible for those actions; and (c) businesses to ensure the physical safety of natural persons.

“sell,” “selling,” “sale,” or “sold” means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer’s personal information by the business to a third party for monetary or other valuable consideration, excluding any of the foregoing activities that are not deemed to be a sale according to specific exclusions set forth in applicable law.

“sensitive personal information” means: (a) personal information that reveals: (i) a consumer’s social security, driver’s license, state identification card, or passport number; (ii) a consumer’s account log-in, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account; (iii) a consumer’s precise geolocation, including any data that is derived from a device and that is used or intended to be used to locate the consumer within a geographic area that is equal to or less than the area of a circle with a radius of 1,850 feet, except as prescribed by applicable law; (iv) a consumer’s racial or ethnic origin, religious or philosophical beliefs, or union membership; (v) the contents of a consumer’s mail, email, and text messages unless the business is the intended recipient of the communication; (vi) a consumer’s genetic data; or (vii) a consumer’s neural data, which means information that is generated by measuring the activity of a consumer’s central or peripheral nervous system, and that is not inferred from nonneural information; (b) the processing of biometric information for the purpose of uniquely identifying a consumer; (c) personal information collected and analyzed concerning a consumer’s health, sex life or sexual orientation; and (d) personal information of consumers that the business has actual knowledge are less than 16 years of age. A business that willfully disregards the consumer’s age shall be deemed to have had actual knowledge of the consumer’s age. Sensitive personal information that is “publicly available” (as described above) will not be considered sensitive personal information or personal information.

“share,” “shared,” or “sharing” means sharing, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer’s personal information by the business to a third party for targeted advertising, whether or not for monetary or other valuable consideration, including transactions between a business and a third party for targeted advertising for the benefit of a business in which no money is exchanged.

“significant decision” means a decision that results in the provision or denial of financial or lending services, housing, education enrollment or opportunities, employment or independent contracting opportunities or compensation, or healthcare services. For purposes of this definition: (a) “financial or lending services” means the extension of credit or a loan, transmitting or exchanging funds, the provision of deposit or checking accounts, check cashing, or installment payment plans; (b) “housing” means any building, structure, or portion thereof that is used or occupied as, or designed, arranged, or intended to be used or occupied as, a home, residence, or sleeping place by one or more consumers including for permanent or temporary occupancy. The use of ADMT that provides or denies housing to a consumer based solely on the availability or vacancy of the housing or the successful receipt of payment for housing from the consumer is not making a significant decision; (c) “education enrollment or opportunities” means: (i) admission or acceptance into academic or vocational programs; (ii) educational credentials (e.g., a degree, diploma, or certificate); and (iii) suspension and expulsion; (d) “employment or independent

contracting opportunities or compensation” means: (i) hiring; (ii) allocation or assignment of work for employees; or salary, hourly or per- assignment compensation, incentive compensation such as a bonus, or another benefit (“allocation/assignment of work and compensation”); (iii) promotion; and (iv) demotion, suspension, and termination; (e) “healthcare services” means services related to the diagnosis, prevention, or treatment of human disease or impairment, or the assessment or care of an individual's health; and (f) significant decision does not include advertising to a consumer.

“targeted advertising” (referred to in some jurisdictions as “cross-context behavioral advertising”) means the targeting of advertising to a consumer based on data that is derived from the consumer’s behavior across distinctly branded platforms (e.g., websites, applications, and other venues) beyond the business or distinctly branded platform with which the consumer intentionally interacts. The definition of targeted advertising does not include advertising based on your activities within our Environment, nor does it include other advertising activities that are not deemed to be targeted advertising according to specific exclusions set forth in applicable law.

End of Privacy Policy