**Privacy Notice For Employee and Contractor Residents Of California**

**Date: April 15, 2024**

This California employee privacy notice (“Notice”) is being provided to California residents who are full time, part-time and temporary employees as well as independent contractors (“you”) of the below employers:

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|  | Momentum Commerce, LLC |  |

The employers listed above (referred to as “us,” “we” or “our”) collect and use personal information about you in an employment context as described in this Notice.

Please review this Notice carefully to understand our practices and treatment regarding your personal information. We respect the privacy rights of individuals – especially our employees – and are committed to handling personal information responsibly and in accordance with all applicable laws. This Notice is designed to help you understand the categories of information about you that we collect, the purposes for which those categories of information will be used and to whom your personal information is disclosed and why. If you have any questions, regarding our collection or processing of your information, or have any comments or questions about this Notice, please reach out through the mechanisms found in section titled [Contact Us](#COntactUS).

Our Notice includes:

1. [**What Personal Information We Collect And Disclose And For What Purposes**](#WhatInformationweCollectAndForWhat)

2. [**How Long We Retain Your Information**](#HOWLONGWERETAINYOURINFORMATION)

3. [**Security**](#Security)

4**. [Your Data Rights](#DATASUBJECTRIGHTSPOLICY)**

5.[**How To Submit A Request**](#HowToSubmitARequest)

6. [**How We Process Data Rights Requests**](#HowWeProcessDataRightsRequests)

7. [**Changes To This Privacy Notice**](#CHANGESTOTHISPRIVACYPOLICY)

8. [**Contact Us**](#COntactUS)

**WHAT PERSONAL INFORMATION WE COLLECT AND DISCLOSE AND FOR WHAT PURPOSES**

During your employment with us, we will collect and/or process personal information about you. We will also disclose your personal information to third parties for the purposes of facilitating your employment with us, as described below. Whenever we permit another entity to access your personal information, we will implement appropriate measures to ensure the information is used in a manner consistent with this Notice and that the security and confidentiality of your information is maintained.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Categories Collected**  The personal information we collect may include: | **Sources of Collection**  We may collect your personal information from: | **Business Purpose of Collection**  The purposes of collection include: | **Categories of Third Parties to Whom Personal Information is Disclosed**  We may disclose your personal information: | **Business Purpose of Disclosure**  The purposes of disclosure include: |
| **Identifier Information**:\* | * you directly * our background check providers * publicly available databases | * identify you as an employee * administer your employment with us * to perform background checks on you * to communicate with you in regards to your employment * to pay you or provide disbursements * to provide you with employee benefits * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies | * to our subsidiaries and affiliates * to our service providers\*\* * to individuals or entities you authorize * to our employee benefits administrators and providers * federal, state and local government authorities * to your financial or banking institution * to public health related entities * as required for legal purposes * to entities that acquire all or part of our business in a corporate transactions | * to identify you as an employee * to administer your employment with us * to perform background checks on you * to communicate with you in regards to your employment * to pay you or provide disbursements * to provide you with benefits * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies * in connection with the sale, bankruptcy, assignment or other transfer of all or part of our business |
| \*For example, we may collect your full name, personal e-mail address, personal phone number, signature, sex, gender, date of birth/age, postal address, unique personal identifier (employee identification number), location and preferred language.  \*\*For example, your personal information may be made available to our human resource platform provider, our employee data hosting vendor, our employee intranet platform provider, our employee background check provider, our employee benefits providers and administrators, our e-mail and SMS texting platform provider, with our expense and payroll support services or our auditors. | | | | |
| **Professional or Employment-Related Information**:† | * you directly * your supervisor * your related HR professional * our background check providers * our headhunting or employee search providers * publicly available databases | * administer your employment with us * to determine your eligibility for employment, raises or promotions * to pay you or provide disbursements * to provide you with employee benefits * document and conduct disciplinary actions * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies | * to our subsidiaries and affiliates * to our service providers†† * to individuals or entities you authorize * as required for legal purposes * to entities that acquire all or part of our business in a corporate transactions | * administer your employment with us * to provide you with employee benefits * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies * in connection with the sale, bankruptcy, assignment or other transfer of all or part of our business |
| †For example, we may collect your resume, date of employment, absence dates and details, vacation requests, requests for family leave, requests for disability leave, sickness records, employment history, pay or salary, standard hours, salary administration plan, bonus, termination details, business unit and location, disciplinary actions, corporate credit card usage, work authorization status, employee accomplishments, assessments, reviews, training data, company computer and device assets used, acknowledgements, disability, military or veteran status, involvement in security and/or privacy incidents, pension or retirement fund participation, EEOC data, ACA health compliance information, health insurance information, Medicare information, Medicare beneficiary identifiers, health insurance plan and premium information, health insurance claim number, life insurance plan and premium information, policy number and claim number.  ††For example, your personal information may be made available to our human resource platform provider, our employee data hosting vendor, our employee intranet platform provider, our employee background check provider, our employee benefits providers and administrators, our e-mail and SMS texting platform provider, with our expense and payroll support services or our auditors. | | | | |
| **Background Check Information**: ˤ | * you directly * our background check providers * publicly available databases | * administer your employment with us * to determine your eligibility for employment, raises or promotions * document and conduct disciplinary actions * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies | * to our subsidiaries and affiliates * to our service providersˤˤ * as required for legal purposes * to entities that acquire all or part of our business in a corporate transactions | * administer your employment with us * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies * in connection with the sale, bankruptcy, assignment or other transfer of all or part of our business |
| ˤ For example, we may collect your educational and employment background, history, arrest records, conviction records, credit information, disciplinary actions and news articles about you.  ˤˤFor example, your personal information may be made available to our human resource platform provider, our employee data hosting vendor, our employee intranet platform provider, our employee background check providers or our auditors. | | | | |
| **Financial Information**:‡ | * you directly * your financial or banking institution | * administer your employment with us * to pay you or provide disbursements * to facilitate direct deposit * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies | * to our subsidiaries and affiliates * to our service providers‡‡ * to individuals or entities you authorize * as required for legal purposes * to entities that acquire all or part of our business in a corporate transactions | * administer your employment with us * to pay you or provide disbursements * to facilitate direct deposit * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies * in connection with the sale, bankruptcy, assignment or other transfer of all or part of our business |
| ‡For example, we may collect your account name and number, pay check information, tax information and garnishment information.  ‡‡For example, your personal information may be made available to our human resource platform provider, our employee data hosting vendor, our employee intranet platform provider, our employee benefits providers and administrators, our e-mail platform provider, our financial and banking institutions, with our expense and payroll support services or our auditors. | | | | |
| **Education Information**:⁂ | * you directly * our background check providers * our headhunting or employee search providers * publicly available databases | * administer your employment with us * to determine your eligibility for employment, raises or promotions * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies | * to our subsidiaries and affiliates * to our service providers⁂⁂ * to individuals or entities you authorize * as required for legal purposes * to entities that acquire all or part of our business in a corporate transactions | * administer your employment with us * to determine your eligibility for employment, raises or promotions * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies * in connection with the sale, bankruptcy, assignment or other transfer of all or part of our business |
| ⁂For example, we may collect your resume, curriculum vitae, transcripts, educational background, educational records and participation in ongoing education and training courses.  ⁂⁂For example, your personal information may be made available to our human resource platform provider, our employee data hosting vendor, our employee intranet platform provider, our employee background check provider or our auditors. | | | | |
| **Audio and Visual Information**:# | * you directly | * securing our electronic systems and physical areas * employee identification * promotional and marketing efforts | * to our subsidiaries and affiliates * to our service providers## * to law enforcement * as required for legal purposes * to entities that acquire all or part of our business in a corporate transactions | * securing our electronic systems and physical areas * promotional and marketing efforts * in connection with the sale, bankruptcy, assignment or other transfer of all or part of our business |
| #For example, we may collect information including voice recordings, facial photographs and/or video on our premises.  ##For example, your personal information may be made available to our managed security service provider, physical security provider or our auditors. | | | | |
| **Internet or Other Electronic Network Activity Information**:§ | * you directly | * securing our electronic databases and systems * investigating security incidents and events | * to our subsidiaries and affiliates * to our service providers§§ * to law enforcement * as required for legal purposes * to entities that acquire all or part of our business in a corporate transactions | * securing our electronic databases and systems * investigating security incidents * in connection with the sale, bankruptcy, assignment or other transfer of all or part of our business |
| §For example, we may collect information including how you access and navigate our internal systems, data accessed, pages visited and other electronic activity information.  §§For example, your personal information may be made available to our managed security service provider or our auditors. | | | | |
| **Inferences**:**⁑** | * you directly * your supervisor * your related HR professional | * administer your employment with us * to determine your eligibility for employment, raises or promotions * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies | * to our subsidiaries and affiliates * to our service providers**⁑⁑** * in corporate transactions * to individuals or entities you authorize * as required for legal purposes * to entities that acquire all or part of our business in a corporate transactions | * administer your employment with us * to determine your eligibility for employment, raises or promotions * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies * in connection with the sale, bankruptcy, assignment or other transfer of all or part of our business |
| **⁑**For example, we may collect your behavioral information, attitude information or abilities and/or preferences.  **⁑⁑**For example, your personal information may be made available to our human resource platform provider, our employee data hosting vendor, our employee intranet platform provider or our employee background check provider. | | | | |
| **Sensitive Personal Information (identity information)**ǂ | * you directly | * identify you as an employee * administer your employment with us * to perform background checks on you * to pay you or provide disbursements * to provide you with employee benefits * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies | * to our subsidiaries and affiliates * to our service providersǂǂ * to individuals or entities you authorize * to our employee benefits administrators and providers * federal, state and local government authorities * to your financial or banking institution * to public health related entities * as required for legal purposes * to entities that acquire all or part of our business in a corporate transactions | * to identify you as an employee * to administer your employment with us * to perform background checks on you * to communicate with you in regards to your employment * to pay you or provide disbursements * to provide you with employee benefits * as required by law * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies * in connection with the sale, bankruptcy, assignment or other transfer of all or part of our business |
| ǂ For example, we may collect your Social Security number, driver’s license number, state identification card and number, nationality, place of birth and racial or ethnic origin.  ǂǂ For example, your personal information may be made available to our human resource platform provider, our employee data hosting vendor, our employee intranet platform provider, our employee background check provider, our employee benefits providers and administrators, our e-mail platform provider, our expense and payroll support services or our auditors. | | | | |
| **Sensitive Personal Information (health information)**+ | * you directly * your medical providers * your related HR professional | * administer your employment with us * to provide you with employee benefits * to comply with laws and guidelines from applicable federal, state and local governmental authorities and public health entities such as the Centers For Disease Control And Prevention * to defend claims brought against us, to investigate violations of law or breaches of our own internal policies | * to our subsidiaries and affiliates * to our service providers++ * your medical providers * federal, state and local government authorities * to public health related entities * as required for legal purposes * to entities that acquire all or part of our business in a corporate transactions | * to comply with laws and guidelines from applicable federal, state and local governmental authorities and public health entities such as the Centers For Disease Control And Prevention * in connection with the sale, bankruptcy, assignment or other transfer of all or part of our business |
| +For example, we may collect information relating to medical accommodation requests, the date, cause, location, and description of work related injuries and treatments, your exposure, or potential exposure, to or vaccination against, illnesses; including positive or negative test results, the date on which you tested positive or negative, the proof of vaccination against an illness, and the date(s) on which you came into the office or otherwise interacted with our property or personnel.  ++For example, your personal information may be made available to our human resource platform provider, our employee data hosting vendor, our employee intranet platform provider, our employee benefits providers and administrators or our auditors. | | | | |

Note that if you visit our public facing websites, we may collect personal information from you in the form of cookies or your IP address. This information is not collected in the context of your employment and is not covered by this Notice.

**2. HOW LONG WE RETAIN YOUR INFORMATION**

Your personal information will be kept as long as needed to carry out the purposes described in this Notice or as otherwise required by applicable law. This means your personal information may be retained after the end of your employment or work relationship with us if needed for our legitimate business purposes, such as post-employment requirements (e.g., pension benefits or separation payments) or various legal matters (e.g., judicial and disciplinary actions, investigations or audit requirements), or if required by employment-related laws and regulations. To determine the appropriate retention period for personal information, we consider the amount, nature and sensitivity of the personal information, the potential risk of harm from unauthorized use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means and the applicable legal requirements.

**3.** **SECURITY**

We will store your information for the period required to serve the legitimate purpose for which it was collected or as required by law. We take a range of reasonable measures to protect your personal information and to store it in a secure environment, whether that is in paper or electronic form. We also take reasonable steps to protect any personal information from misuse, loss and/or unauthorized access, modification, or disclosure.

**4. YOUR DATA RIGHTS**

The California Consumer Privacy Act (“CCPA”) provides the residents of California with the right to request the data rights as described in this section.

* **Right to Know**:California residents have the right to know what personal information that we have collected about them, including the categories of personal information, the categories of sources from which the personal information is collected in the past 12 months, the business or commercial purpose for collecting, selling, or sharing personal information, the categories of third parties to whom we disclose personal information, and the specific pieces of personal information that we have collected about them.

The categories of personal information, the categories of sources from which the personal information is collected, the business or commercial purpose for which we collect personal information and the categories of third parties to whom we disclose personal information are found in the general Notice under the section: [What Information We Collect And Disclose And For What Purposes](#WhatInformationweCollectAndDisclose).

California residents have a right to know if we are “selling” or “sharing” their personal information, what categories of personal information are “sold” or “shared,” and to whom.

* “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 a third party for monetary or other valuable consideration.
* “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 cross-context behavioral advertising, whether or not for monetary or other valuable consideration, including transactions between a business and a third party for cross-context behavioral advertising for the benefit of a business in which no money is exchanged.

We did not “sell” or “share” your employment related personal information as defined under California law.

* **Right to Delete**:California residents have the right to request the deletion of their personal information maintained by us.
* **Right to Correct**:California residents have the right to request that we correct inaccurate personal information that we maintain about them.However, we reserve the right to delete your inaccurate personal information instead of correcting it, if permitted by the CCPA.
* **Right to Non-Discrimination**: California residents have the right to not be discriminated against due to the exercise of their CCPA privacy rights.
* **Right to Opt-Out**: California residents have the right to opt-out of the “sale” or “sharing” of their personal information. However, we did not “sell” or “share” your employment related personal information as defined under California law.
* **Right to Limit Use and Disclosure of Sensitive Personal Information**: California residents have the right to direct a business to limit its use and disclosure of their “sensitive” personal information. California residents can request that a business limit its use or disclosure of their “sensitive” personal information to that use or disclosure which is necessary to perform the services or provide the goods reasonably expected by an average consumer, or to those uses or disclosures otherwise authorized by California law.

However, we do not use or disclose your “sensitive” personal information for any purpose other than for the specific purposes described under the CCPA regulation § 7027(m) and always in a manner reasonably necessary and proportionate for these permitted purposes. For information on how we use or disclose your “sensitive” personal information, please see the applicable disclosures in the section titled: [What Information We Collect From You And For What Purposes](#WhatInformationweCollectAndForWhat).

* **Right to Make Requests Through an Authorized Agent**:California residents can designate an authorized agent to make a request under the CCPA on their behalf.

California residents can designate an authorized agent to make requests under the CCPA on their behalf relating to the residents’ personal information. Only you as a California resident, or a person you have designated in writing as your authorized agent, may make a consumer request related to your personal information.

If you wish to have an authorized agent make a verifiable consumer request on your behalf, they will need to provide us with sufficient written proof that you have designated them as your authorized agent, such as a power of attorney pursuant to California Probate Code sections 4000 to 4465. We will still require you to provide sufficient information to allow us to reasonably verify that you are the person about whom we have collected personal information. We can deny any request made by a purported authorized agent who does not submit proof that they has been authorized by the California resident to act on the California resident’s behalf.

* **Notice of Financial Incentives**:California residents are entitled to certain information about a business’s financial incentive programs. However, we does not offer any financial incentive programs to our employees or independent contractors.

**5. HOW TO SUBMIT A REQUEST**

You can submit your request to exercise a data right through:

* **Filling-out** the Data Subject Request form ([linked here](https://www.momentumcommerce.com/data-access-request/))
* **Calling** us toll-free at 1-(844)-441-9869 PIN: 685805
* **E-mailing** us directly at dataprivacy@momentumcommerce.com

**6. HOW WE PROCESS DATA RIGHTS REQUESTS**

Once we receive your request to exercise a right, we will confirm receipt and begin to evaluate, and if appropriate, process the request.

* We may require that you provide additional information to confirm your identity, including providing us with at least two or more pieces of personal information to match against personal information that we currently maintain about you. We reserve the right to reject your request if we are unable to verify your identity to a sufficiently high level of certainty. The information you provide to verify your identity will only be used for verification purposes, and a record of your request, including certain information contained within it, will be maintained by us for our files.
* To authenticate any request to correct personal information, you may be required to provide authentication information.
* We will make every effort to comply with your request to delete their personal information, however, certain laws or other legal requirements might prevent some personal information from being deleted.

If you fail or refuse to provide the necessary information, we may not be able to process your request.

If we reject a request for any reason, we will inform you of the basis of the rejection. Not all individuals about whom we possess information will have access to these rights and we may not be able to provide these rights to everyone due to legal and jurisdictional limitations. We may not be able to comply with your request for a number of reasons, including:

* you do not live in a state that grants you the specific right that you have requested;
* the information that you’ve requested is not subject to the regulation that grants you the right to make a request in relation to your personal information;
* we are prevented or exempted by law, regulation or rule from complying with your request;
* we do not maintain your personal information in a manner that is connected to your identity;
* we are not able to comply with your request without incurring disproportionate burden or expense; or
* if complying with your request conflicts with our ability to administer your employment or to establish, defend or administer legal claims.

If any of the above reasons apply, we will let you know in our response to your request.

**7.** **CHANGES TO THIS PRIVACY NOTICE**

This Notice may be updated periodically to reflect any necessary changes in our privacy practices. You will be able to see when we last updated this Notice because we will include a revision date at the top. The latest version of this Notice is available on our human resource platform ([Click Here](https://team-1614192300017.atlassian.net/wiki/spaces/PO/pages/1256062977/Compliance)) as well as on the intranet ([Click Here](https://team-1614192300017.atlassian.net/wiki/spaces/PO/pages/1256062977/Compliance)). We will inform you through your employee e-mail of any material changes and request that you read and accept a new version of the Notice when prompted. We will also circulate the current version of this Notice at least once annually.

**8. CONTACT US**

To submit questions or to inquire about or submit a request relating to data rights, you can contact us by:

* **Calling** us toll-free at 1-(844)-441-9869 PIN: 685805
* **E-mailing** us directly at dataprivacy@momentumcommerce.com