

# CCPA DISCLOSURE

Rev. 7/1/2020



As members of Bay Federal Credit Union, your privacy is of utmost importance. This California Consumer Privacy Act Disclosure (“CCPA Disclosure” or “Disclosure”) explains how we collect, share, use, and protect your personal information through your online and offline interactions with us. The rights outlined in this form are applicable to California residents.

## I. CATEGORIES OF INFORMATION WE COLLECT FROM MEMBERS

In the preceding 12-months, we have collected the following categories of personal information (please note that some categories overlap):

Category	Examples
A. Identifiers	A real name or alias; postal address; signature; home phone number or mobile phone number; membership number, credit card number, debit card number, or other financial information; physical characteristics or description; email address; account name; Social Security number; driver's license number or state identification card number; passport number; or other similar identifiers.
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.
C. Protected classification characteristics under state 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).
D. Commercial information	Records of personal property; products or services purchased, obtained, or considered; or other purchasing or consuming histories or tendencies.
E. Internet or other similar network activity	Browsing history, search history, and information on a consumer's interaction with a website, application, or advertisement.
F. Geolocation data	Physical location or movements. For example, city, state, country, and ZIP code associated with your IP address or derived through Wi-Fi triangulation; and, with your permission in accordance with your mobile device settings, precise geolocation information from GPS-based functionality on your mobile devices.

We obtain the categories of personal information listed above from the following categories of sources:

- Directly from consumers or their agents. For example, from forms you complete, when you perform transactions, and when you purchase products or services.
- Indirectly from consumers or their agents. For example, when you use your debit or credit cards, when you make deposits or withdrawals to/from your accounts, or when you pay your bills.
- Directly and indirectly from activity on our website ([www.bayfed.com](http://www.bayfed.com)) or our Mobile App. For example, from submissions through our website, application portals, or website usage collected automatically.
- From third-parties, such as credit reporting agencies, government agencies, law enforcement agencies, and service providers.

For purposes of the CCPA, “personal information” does not include:

- Publicly available information from government records.
- De-identified information that cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to you, provided that we have: (i) implemented technical safeguards that prohibit reidentification of your information; (ii) implemented business processes that specifically prohibit reidentification of the information; (iii) have business processes to prevent inadvertent release of deidentified information; and (iv) make no attempt to reidentify the information.
- Aggregated consumer information that relates to a group or category of consumers, from which consumer identities have been removed, that is not linked or reasonably linkable to any consumer or household, including via a device.
- Information excluded from the CCPA's scope, like:
  - Health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA) or clinical trial data;
  - Personal information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA), and the Driver's Privacy Protection Act of 1994.

## **WE DO NOT PRESENTLY COLLECT INFORMATION ON NON-MEMBERS.**

Please refer to [www.bayfed.com/privacy](http://www.bayfed.com/privacy) for additional information and current CCPA Disclosures.

## **II. HOW WE USE YOUR PERSONAL INFORMATION**

We may use or disclose personal information we collect for one or more of the following operational or other notified purposes (“business purposes”):

- To fulfill or meet the reason for which the information is provided. For example, if you apply for a loan, we use the information in your loan application to evaluate your credit request and grant you the loan if approved.
- To provide you with information, products, or services that you request from us.
- To provide you with email alerts, event registrations, or other notices concerning our products or services, or events or news, that may be of interest to you.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collections.
- To improve our website and present its contents to you.
- For testing, research, and analysis to improve our products and services and for developing new ones.
- To protect the rights, property, or safety of us, our employees, our members, or others.
- To detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, and prosecute those responsible for that activity.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- As described to you when collecting your personal information.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, in which personal information held by us is among the assets transferred.
- As otherwise permitted under law.

We will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

## **III. SHARING PERSONAL INFORMATION**

We may disclose your personal information to third parties for a business or commercial purpose. When we disclose personal information for a business or commercial purpose, we enter a contract that describes the purpose and requires the recipient to keep that personal information confidential and not to use it for any purpose except performing the contract.

In the previous 12-months, we have disclosed the following categories of personal information to third parties for a business or commercial purpose:

Category A: Identifiers

Category B: California Customer Records personal information categories

Category C: Protected classification characteristics under California or federal law

Category D: Commercial information

Category F: Internet or other similar network activity

Category G: Geolocation data

Category H: Professional or employment-related information

Category I: Non-public education information

We may disclose your personal information for a business or commercial purpose to the following categories of third-parties:

- Our third-party service providers;
- Our affiliated websites and businesses in an effort to bring you improved service across our family of products and services, when permissible under relevant laws and regulations;
- Other companies to bring you co-branded services, products, or programs;
- Third parties that help us advertise products, services, or membership with us to you;
- Third parties to whom you or your agents authorize us to disclose your personal information in connection with products or services we provide to you;
- Other third parties to comply with legal requirements such as the demands of applicable subpoenas and court orders; to verify or enforce our terms of use, our other rights, or other applicable policies; to address fraud, security, or technical issues; to respond to an emergency; or otherwise to protect the rights, property, or security of our members or third parties;
- Outside companies or organizations that host, maintain, manage, or provide other services to us in relation to our products and services;
- Third parties that provide financial products and services to our members such as our card processors, online banking provider, and bill pay provider;
- Companies related by common ownership or control. These companies can be financial and nonfinancial companies. The Credit Union's affiliates include financial companies such as those that have a common corporate identity of Bay Federal Credit Union and financial companies such as LPL Financial, member FINRA/SIPC;
- Government agencies, which include public authorities and law enforcement agencies, to respond to a lawful request, or to provide information we believe is important or required under applicable law;
- For other legal reasons, such as to monitor compliance with and to enforce our terms and conditions; to protect our rights, privacy, safety, or property, and/or that of our affiliates, you or others; to protect against potential or actual fraud, money laundering, terrorism, or other illegal activity; and for risk management purposes;
- Outside accountants, auditors, lawyers, and other outside professional advisors to the Credit Union, subject to a requirement that such advisors keep your information confidential;
- Outside companies or organizations, including credit bureaus and other consumer reporting agencies, for routine and required reporting; and
- Mortgage companies, securities broker-dealers, insurance companies, and direct marketing companies.

#### **IV. YOUR RIGHTS AND CHOICES**

This section describes your rights and choices regarding how we collect, share, use, and protect your personal information, how to exercise those rights, and limits and exceptions to your rights and choices.

##### **a. Exceptions**

The rights and choices in this Section do **not** apply:

- If you are not a California resident;
- If we collected personal information covered by certain financial sector-specific privacy laws, including the Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (CFIPA), and/or the Driver's Privacy Protection Act of 1994. How we collect, share, use, and protect your personal information is covered under GLBA and the CFIPA and other applicable law; or
- If we aggregated the information, meaning that the information relates to a group or category of consumers, from which individual consumer identities have been removed, that is not linked or reasonably linkable to any consumer or household, including via a device; or
- If we deidentified the information, meaning that the information cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular consumer. If information has been deidentified, we have also (1) implemented technical safeguards that prohibit reidentification of the consumer to whom the information may pertain; (2) implemented business processes that specifically prohibit reidentification of the information; (3) implemented business processes to prevent inadvertent release of deidentified information; and (4) we will make no attempt to reidentify the information; or
- If the information we have is publicly available from government records.

## **b. Access to Specific Information**

If the above exceptions do not apply, and you have not made this request more than twice in a 12-month period, you have the right to request that we disclose certain information to you about our collection and use of your personal information over the previous 12 months (from the date we receive your request). Once we receive and confirm your request and verify that the request is coming from you or someone authorized to make the request on your behalf, we will disclose to you or your representative:

- The categories of personal information we collected about you.
- The categories of sources for the personal information we collected about you.
- Our business or commercial purpose for collecting that personal information.
- The categories of third parties to whom we shared the personal information.
- The business or commercial purpose for which we disclosed the category of personal information.
- The categories of personal information we disclosed for a business purpose in the preceding 12 months, and for each category identified, the categories of third parties to whom we disclosed that particular category of personal information.
- The specific pieces of personal information we collected about you in a form that you can take with you (also called a “data portability request”).

## **c. Deletion Request Rights**

You have the right to request that we delete any of your personal information that we collect from you and retained, subject to certain exceptions. Once we receive and verify your request, we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies. We may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you;
2. Detect security incidents; protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity;
3. Debug to identify and repair errors that impair existing intended functionality;
4. Exercise free speech, ensure the right of another consumer to exercise his or her right of free speech, or exercise another right provided for by law;
5. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when our deletion of the information is likely to render impossible or seriously impair the achievement of such research, if you previously provided informed consent;
6. Enable solely internal uses that are reasonably aligned with your expectations based on your relationship with us;
7. Comply with a legal obligation; or
8. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

## **d. Exercising Access and Deletion Rights**

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us by either calling 831.479.6000 or 888.4BAYFED, submitting a request online, or visiting one of our branch locations. To submit a request online, visit [www.bayfed.com/privacy](http://www.bayfed.com/privacy).

You may only make a verifiable consumer request for access or data portability twice within a 12-month period.

We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you. Making a verifiable consumer request does not require you to create an account with us. We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

When we receive a verifiable request from your “authorized agent,” which is any person or legal entity registered with the California Secretary of State that you have authorized to act on your behalf, we will require:

1. Submission of a written document signed by you with your permission for the authorized agent to submit a verifiable request on your behalf and require the authorized agent to verify its own identity to us; or
2. Require your authorized agent to furnish a copy of a power of attorney pursuant to California Probate Code sections 4000 to 4465 and require the authorized agent to verify their own identity to us.

We will deny a request from an agent that does not submit proof that they have been authorized by you to act on your behalf and cannot verify their own identity to us.

### **e. Response Timing and Format**

We will endeavor to respond to a verifiable consumer request within 45 days of its receipt. If we require more time (up to 90 days), we will inform you of the reason and extension period in writing. We will deliver our written response to the mailing address of record according to our files.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable.

We do not charge a fee to process or respond to your verifiable consumer request.

### **f. Personal Information Sales and Opt-Out and Opt-In Rights**

We do not sell your personal information for monetary consideration. However, there may be instances where we disclose or share your information with a third party for other consideration. Under the California Consumer Privacy Protection Act, disclosing or sharing your information with a third party for valuable consideration is considered a "sale," even though we do not disclose or share your personal information for monetary compensation.

If you are 16 years of age or older, you have the right to direct us to not sell your personal information at any time (the "right to opt-out"). However, as a standard business practice, we do not sell or share the personal information of consumers we actually know are less than 18 years of age. Under the law, if you are 13 but not yet 16 years of age, we cannot sell or share your personal information unless we receive affirmative authorization (the "right to opt-in") from either you (or your parent or guardian if you are less than 13 years of age). Consumers who opt-in to personal information sales may opt-out of future sales at any time.

To exercise the right to opt-out, you (or your authorized representative) may submit a request to us by calling 831.479.6000 or 888.4BAYFED, visiting one of our branch locations, or visiting the following Internet Web page link:

#### **Do Not Sell My Info.**

Once you make an opt-out request, we will wait at least twelve (12) months before asking you to reauthorize personal information sales. However, you may change your mind and opt back in to personal information sales at any time by calling 831.479.6000 or 888.4BAYFED, or by visiting one of our branch locations.

You do not need to create an account with us to exercise your opt-out rights. We will only use personal information provided in an opt-out request to review and comply with the request.

### **V. Right of Non-Discrimination**

We will not discriminate against you for exercising any of your rights in this Disclosure and under applicable laws. Unless permitted by law, we will not:

- Deny you goods or services;
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties;
- Provide you a different level or quality of goods or services; or
- Suggest that you may receive a different price for goods or services or a different level or quality of goods or services.

### **VI. CHANGES TO THIS DISCLOSURE**

We reserve the right to amend this CCPA Disclosure at our discretion and at any time. When we make changes to this Disclosure, we will notify you by a notice included with your monthly statement, through online or mobile banking, and our website. Your continued use of online or mobile banking or our website following the posting of changes constitutes your acceptance of such changes.

### **VII. CHILDREN'S ONLINE INFORMATION PRIVACY**

Our website is not intended for children under the age of 13. We do not knowingly collect, maintain, or use personally identifiable information from our website about children under the age of 13 without parental consent. For more information about the Children's Online Privacy Protection Act (COPPA), visit the Federal Trade Commission website at **ftc.gov**.

### **VIII. LINKING TO THIRD-PARTY WEBSITES**

We may provide links to websites that are owned or operated by other companies ("third-party websites"). When you use a link online to visit a third-party website, you will be subject to that website's privacy and security practices, which may differ from ours. You should familiarize yourself with the privacy policy, terms of use, and security practices of the linked third-party website before providing any information on that website. We are not responsible for the third-party website's use, collection, sale, or sharing of your personal information.

## **IX. SECURITY**

We use reasonable physical, electronic, and procedural safeguards that comply with federal standards to protect and limit access to personal information. This includes device safeguards and secured files and buildings. Please note that information you send to us electronically may not be secure when it is transmitted to us. We recommend that you do not use unsecure channels to communicate sensitive or confidential information (such as your Social Security number) to us.

## **X. CONTACT INFORMATION**

If you have any questions or comments about this Disclosure, the ways in which we collect and use your personal information, your choices and rights regarding such use, or wish to exercise your rights, visit [www.bayfed.com/privacy](http://www.bayfed.com/privacy) or call 831.479.6000 or 888.4BAYFED.