

# CALIFORNIA PRIVACY NOTICE

**Effective Date:** July 1, 2020

**Last Reviewed:** May 31, 2020

This **Privacy Notice for California Residents** supplements the information contained in the Online Privacy Policy of Libertas Funding, LLC (“Libertas”, “our”, “us” or “we”) and applies solely to natural persons that have provided a personal guaranty, or have communicated with us about providing a personal guaranty, and that reside in the State of California (“consumers”, “your” or “you”). We adopt this notice to comply with the California Consumer Privacy Act of 2018 (“CCPA”) and any terms defined in the CCPA have the same meaning when used in this notice. Other information we collect about natural persons is limited to information provided in connection with a business-to-business transaction and is exempt from the CCPA.

## **Information We Collect**

Our website collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device (“**personal information**”). In particular, Libertas’ website has collected the following categories of personal information from its consumers within the last twelve (12) months:

<b>Category</b>	<b>Examples</b>	<b>Collected</b>
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address (“IP 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.  Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under	Age, citizenship, and marital status.	YES

California or federal law.		
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
F. Geolocation data.	Physical location.	YES
G. Professional or employment-related information.	Current or past job history or performance evaluations.	YES

Personal information does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Information excluded from the CCPA's scope, like:
  - personal information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act, the Gramm-Leach-Bliley Act or California Financial Information Privacy Act, and the Driver's Privacy Protection Act of 1994.

Libertas obtains the categories of personal information listed above from the following categories of sources:

- Directly from you. For example, from information you submit on the website, forms you complete or products and services you purchase, and financial documents that you provide.
- Indirectly from you. For example, from your IP Address.

**Use of Personal Information**

We may use or disclose the personal information we collect for one or more of the following purposes:

- To fulfill or meet the reason you provided the information. For example, if you share your name and contact information in connection with an application or to ask a question about our products or services, we will use that personal information to respond to your inquiry. If you provide your personal information in connection with our products or services, we will use that information to process your transaction and payments. We may also save your information to offer you new products or services.
- To provide, support, personalize, and develop our website, products, and services.
- To create, maintain, customize, and secure your account with us.

- To process your requests, applications, transactions, and payments and prevent transactional fraud.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your website experience.
- To help maintain the safety, security, and integrity of our website, products and services, databases and other technology assets, and business.
- For testing, research, analysis, and product development, including to develop and improve our website, products, and services.
- 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 or as otherwise set forth in the CCPA.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Libertas' assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by Libertas about our website users is among the assets transferred.

Libertas 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.

### **Sharing Personal Information**

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

We share your personal information with the following categories of third parties:

- Service providers.
- Referral Partners.

### ***Disclosures of Personal Information for a Business Purpose***

In the preceding twelve (12) months:

Libertas has disclosed the following categories of personal information for a business 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 E: Internet or other similar network activity.

Category F: Geolocation data.

Category G: Professional or employment-related information.

Libertas has disclosed personal information for a business purpose to the following categories of third parties:

- Service providers.
- Referral Partners.

### ***Sales of Personal Information***

We have not and will not sell your personal information to third parties.

### **Your Rights and Choices**

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights. As noted above, as concerns Libertas, the CCPA solely applies to natural persons that have provided a personal guaranty or have communicated with us about providing a personal guaranty.

### ***Access to Specific Information and Data Portability Rights***

Unless an exception applies, you have the right to request that Libertas disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request (see Exercising Access, Data Portability, and Deletion Rights), we will disclose to you:

- 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 personal information we have disclosed to third parties.
- The categories of third parties with whom we shared that personal information.
- The specific pieces of personal information we collected about you (also called a data portability request).

### ***Deletion Request Rights***

You have the right to request that Libertas delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see Exercising Access, Data Portability, and Deletion), 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 an exception applies or retaining the information is necessary for us or our service provider(s) 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 such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *et. seq.*).
5. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
6. Comply with a legal obligation.
7. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

### ***Exercising Access, Data Portability, 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 us at:** (800) 704-8675

**Visiting us at:** <https://libertasfunding.com>, or

**Emailing us at:** [Customer.service@libertasfunding.com](mailto:Customer.service@libertasfunding.com)

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information.

You, or your authorized agent, may only make a verifiable consumer request for access or data portability twice within a twelve (12) month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative. If you are an authorized representative, this includes providing a signed and notarized document from the relevant consumer expressly appoints you as their authorized representative for purposes of exercising their CCPA rights.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

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. Generally, we verify a consumer's identity by matching the identifying information provided by the consumer making the request to the personal information of the consumer already maintained by Libertas.

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.

### ***Response Timing and Format***

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time up to an additional forty-five (45) days, we will inform you of the reason and extension period in writing.

We will deliver our written response by mail or electronically, at your option.

Any disclosures we provide will only cover the twelve (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. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

### ***Personal Information/ Sales***

We do not sell the personal information of consumers of any age.

### **Non-Discrimination**

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by applicable laws, we will not:

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

### **Other California Privacy Rights**

California's "Shine the Light" law permits users of our website that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please send an email to [customer.service@libertasfunding.com](mailto:customer.service@libertasfunding.com) or write us at Libertas Funding, LLC, 382 Greenwich Avenue, Suite 2 , Second Floor, Greenwich, CT 06830.

### **Changes to Our Privacy Notice**

Libertas reserves the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on the website and update the notice's effective date. Any changes to this privacy notice will become effective when posted unless indicated otherwise **Your continued use of our website following the posting of changes constitutes your acceptance of such changes.** We encourage you to periodically review this page for the latest information on our privacy practices.

### **Contact Information**

If you have any questions or comments about this notice, the ways in which Libertas collects and uses your information described above and in our Online Privacy Policy, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

**Phone:** (800) 704-8675  
**Website:** <https://libertasfunding.com>  
**Email:** [Customer.service@libertasfunding.com](mailto:Customer.service@libertasfunding.com)  
**Postal Address:** Libertas Funding, LLC  
Attn: Customer Service Department  
382 Greenwich Avenue  
Suite 2, Second Floor  
Greenwich, CT 06830