Newtek Business Lending, LLC's CCPA Privacy Notice for California Consumers

[Revised March 6, 2020]

This CCPA **Privacy Notice applies to California Consumers (i.e., natural persons and not businesses) and** supplements the information contained in Newtek Business Lending, LLC's Privacy Policy. We have adopted this Privacy Notice to comply with the requirements of the California Consumer Privacy Act of 2018 (CCPA) and any terms defined in the CCPA have the same meaning when used in this notice.

1. Information We Collect

We collect 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 the last twelve (12) months, we have collected the following categories of personal information from consumers:

Category	Examples	Collected
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	Yes
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	Yes
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and	Yes

	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.	Yes
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	Yes
I. Professional or employment-related information.	Current or past job history or performance evaluations.	Yes

Personal information does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Information excluded from the CCPA's scope, like certain health or medical information and other categories of information protected by different laws.

How We Obtain Your Personal Information

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

- Directly from you. For example, from forms you complete or products and services you purchase.
- Indirectly from you. For example, from observing your actions on our website.
- Directly and indirectly from activity on our website. For example, from submissions through our website portal or website usage details collected automatically.
- From third-parties that interact with us in connection with the services we perform.

If we collect personal information directly from you, we will provide notice at or before the time of collection.

2. Use of Personal Information

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

- To fulfill or meet the reason you provided the information. For example, if you share your name and contact information to request information about a business solution, we or one of our affiliates provide, we will use that personal information to respond to your inquiry. If you provide your personal information in connection with acquiring a business solution we or an affiliate provide, we or our affiliates will use that information to process your request. We may also save your information in connection with the provision of a business solution requested.
- To process your requests or transactions 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 respond to law enforcement requests and as required by applicable law, court order, governmental regulations or internal document retention policy.
- As described to you when collecting your personal information or as otherwise set forth in the CCPA.

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

3. Sharing Personal Information

We 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.

Disclosures of Personal Information for a Business Purpose

In the preceding twelve (12) months, we have disclosed the following categories of personal information for a business purpose:

Categories: A, B, C, D and I

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

- Our affiliates.

Sale of Personal Information

In the preceding twelve (12) months, we have not sold any personal information.

4. Your Rights and Choices

The CCPA provides California consumers (individuals and not businesses) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

Access to Specific Information and Data Portability Rights

You have the right to request that we 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've collected about you.
- The categories of sources for the personal information we've collected about you.
- Our business or commercial purpose for collecting or selling that personal information.
- The categories of third parties with whom we have shared that personal information.
- The specific pieces of personal information we've collected about you (also called a data portability request).
- If we sold or disclosed your personal information for a business purpose, two separate lists disclosing:
  - sales, identifying the personal information categories that each category of recipient purchased; and
  - disclosures for a business purpose, identifying the personal information categories that each category of recipient obtained.

Deletion Request Rights

You have the right to request that we 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 Rights*), 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 provider(s) to:

- Process the request for the business solution you requested, provide the business solution for which we collected the personal information, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.

- Debug products to identify and repair errors that impair existing intended functionality.
- Comply with any legal obligation, including with limitation any obligations under the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *seq.*).
- Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- 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) 922-0779
Emailing us at: ccpa@newtekone.com

Only you, or a person registered with the California Secretary of State that you authorize to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

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

- Provide sufficient information that allows us to reasonably verify you are the person about whom we've collected personal information or an authorized representative.
- 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.

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, 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 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 will not sell your personal information to any party. If in the future, we anticipate selling your personal information to any party, we will provide you with the opt-out and opt-in rights required by the CCPA.

5. Non-Discrimination

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, 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.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

However, we may offer you certain financial incentives permitted by the CCPA that can result in different prices, rates, or quality levels. Any CCPA-permitted financial incentive we offer will reasonably relate to your personal information's value and contain written terms that describe the program's material aspects. Participation in a financial incentive program requires your prior opt in consent, which you may revoke at any time.

6. Changes to Our Privacy Notice

We reserve 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 our website and update the notice's effective date. **Your continued use of our website following the posting of changes constitutes your acceptance of such changes**.

7. Contact Information

If you have any questions or comments about this notice, the ways in which we collect and use your information described below and in our 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) 922-0779

Email: ccpa@newtekone.com