



Last Modified: May 23, 2023

## SmartPay Solutions, LLC PRIVACY STATEMENT

We are committed to protecting your privacy. This privacy statement (“**Privacy Statement**”) describes the privacy practices for the website of SmartPay Solutions, a Connecticut Limited Liability Corporation (“**SmartPay**”, “**our**”, “**we**” or “**us**”). This Privacy Statement describes the types of personal information we may collect from you or that you may provide when you visit the SmartPay Website, or when you otherwise interact with us (collectively, “**Services**”) and our practices for collecting, using, maintaining, protecting and disclosing that information. The terms “**you**” and “**your**” refers to you, the user. If you are using the Services on behalf of a business, association, or other entity, “you” or “your” will also refer to such business, association, or other entity, unless the context clearly dictates otherwise. You agree that you are authorized to consent to these terms on behalf of such business, association, or other entity, and we can rely on this. By using/continuing to use the Services, you acknowledge you have read and understand, and expressly consent to the collection, storage, use and disclosure of your information as described in this Privacy Statement, and you agree to the Terms of Service which are incorporated by reference. Please read the complete privacy statement. If you do not agree, please do not access or use the Services.

### ELIGIBILITY TO USE THE SERVICES

To use the Services you must be, and represent and warrant that you are, at least the age of majority in your state, province or jurisdiction of residence and competent to agree to these terms; or if you are under the age of majority in your state, province or jurisdiction of residence, you represent and warrant that your parent or legal guardian has reviewed this Privacy Statement with you and accepts them on your behalf; parents or legal guardians are responsible for the activities of their minor dependents while using the Services.

### TERMS OF SERVICE

If you choose to visit the Services, your visit and any dispute over privacy is subject to this Privacy Statement and our Terms of Service, including, but not limited to, limitations on damages and resolution of disputes.

### INFORMATION COLLECTION, USE, AND SHARING

#### A. Personal Information We Collect

Generally, we collect three (3) types of information about you: (1) information and content you give us directly; (2) information we obtain automatically when you use our Services; and (3) information we get about you from other sources. When we talk about “**Personal Information**” in this Privacy Statement, we are talking about any information collected in accordance with this Section A (*Personal Information We Collect*). At times SmartPay may ask you to, or you may directly provide a limited amount of Personal Information on or through the Services such as: name, postal address, email address, telephone number. We also may automatically collect other Personal Information through our Services as you use or navigate through our website such as: IP addresses, internet connection and device details, various usage details and information collected through cookies and other tracking technologies. We may collect demographic, statistical, or other aggregate information that is about you, but individually does not identify you such as: gender, age, race, household income, and political affiliation. We may also receive information about you from other sources and add it to our information, including from third-party services and organizations who have the right to provide us with such information; we protect this information according to the practices described in this Privacy Statement, plus any additional restrictions imposed by the source of the data.

#### B. Cookies and Other Tracking Technologies

We as well as third parties that provide the content, advertising, or other functionality on the Services may use cookies ( a piece of data that a web server may place on your computer when you visit a website, commonly used to improve the user experience) on the Services for a number of purposes – for example, to maintain continuity during a user session, to gather data about the usage of our Services for research and other purposes, to store your preferences for certain kinds of information and marketing offers, or to store a user name or encrypted identification number so that you do not have to provide this information every time you return to our Services. You can decide if and how your computer will accept a cookie by configuring your preferences or options in your browser. You may be able to change your browser settings to either reject cookies or notify you when a cookie is about to be placed on your computer. We recommend that you refer to the “Help” menu in your browser to learn how to modify your browser settings. Please note that you cannot remove Flash cookies simply by changing your browser settings. To learn how you can manage your Flash cookie settings, visit the Flash player settings page on Adobe's website. However, if you choose to reject cookies, you may not be able to use certain of our Services’ features. This information does not include your name, email address, or any other personal information.

This Privacy Statement covers the use of cookies by SmartPay and does not cover the use of tracking technologies by any third parties. The Services may contain links, content, advertising, or references to other websites or applications run by third parties, including advertisers, ad networks and servers, content providers, and application providers. These third parties may use cookies or other tracking technologies to collect information about you when you interact with their content on the Services, such as member recruitment vendors to using Web beacons and cookies on our registration pages for payment verification. The information they collect may be associated with your Personal Information or they may collect information about your online activities over time and across different websites. Please be aware that we do not control these third parties' tracking technologies or when and how they may be used. Therefore, SmartPay does not claim nor accept responsibility for any privacy policies, practices, or procedures of any such third party.

#### C. How We Use Your Personal Information

We will use Personal Information that you provide to us or we have collected: (1) to provide our Services, including to respond to you, regarding the reason you contacted us, and to provide you with information about SmartPay, services, materials and our other activities; (2) for administrative purposes, including detect, prevent, or investigate security breaches, fraud, and other unauthorized or illegal activity, and carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection; and (3) to market and advertise our services and products, including send promotional communications, such as information about features, newsletters, offers, promotions, contests, and events, and develop, test, and improve new products or services, including by conducting surveys and research and testing and troubleshooting new products and features.

#### D. How We May Share or Disclose Your Personal Information

We may share or disclose aggregated or anonymized information about our users to third parties for a variety of business purposes without any restrictions, including to provide our Services or to protect us or others. We may also disclose your Personal Information in the event of a major business transaction such as a merger, sale, or asset transfer. The following circumstances describe in additional detail the ways we may share or disclose your Personal Information that we collect or you provide under this Privacy Statement. Generally, we share your Personal Information with our third-party service providers, contractors, and any other similar third parties that help us provide our Services, including with insurance companies. These third parties are required not to use your information other than to provide the services requested by SmartPay. We may share your Personal Information with our parent companies, subsidiaries, joint ventures, and affiliated companies for purposes of management and analysis, decision-making, and other business purposes, consistent with this Privacy Statement. We may also disclose your Personal Information to protect us or others, including when required by any court order, law, or legal process, to enforce or apply this Privacy Statement, our Terms of Service, and other agreements, including for billing and collection purposes, and if we believe disclosure will help us protect the rights, property, or safety of SmartPay, our users, partners, agents, and others.

RIGHT TO REVIEW, CORRECT & DELETE PERSONAL INFORMATION

A. Accessing and Correcting Your Personal Information

In accordance with applicable law, you may have the right to:

- 1. Access Personal Information. You may access personal information about you, including: (i) confirming whether we are processing your personal information; (ii) obtaining access to or a copy of your personal information; and (iii) receiving an electronic copy of personal information that you have provided to us, or asking us to send that information to another company (the "right of data portability").
- 2. Request Correction of Personal Information. You may request correction of your personal information where it is inaccurate, incomplete, or improperly possessed.
- 3. Request Deletion of Personal Information. You may request deletion of your personal information held by us about you. Please note: we cannot delete your personal information except by also deleting your account.
- 4. Objection to Processing. You may object to our processing of your personal information, under certain conditions.
- 5. Request Restriction on Processing. You may request that we restrict the processing of your personal information, under certain conditions.
- 6. Opt-out. You may request to opt-out of the processing of your personal information for the purpose(s) of: (i) targeted advertising; (ii) sale of personal information; or (iii) profiling to make decisions that have legal or other significant effects on you.

If you would like to exercise any of these rights, you may send your request in letter form to: Chief Privacy Officer, SmartPay Solutions, 470 James Street, Suite 007, New Haven, CT 06513; or an email to [privacy@smartpayllc.com](mailto:privacy@smartpayllc.com). We will process such requests in accordance with applicable law.

The following are additional Consumer Privacy Rights:

- 1. Non-Discrimination. Residents have the right not to receive discriminatory treatment by covered businesses for the exercise of their rights conferred by the applicable privacy law.
- 2. Authorized Agent. Only you, or someone legally authorized 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. To designate an authorized agent, please contact us as set forth in "Have Questions?" below and provide written authorization signed by you and your designated agent.
- 3. Verification. To protect your privacy, we will take the following steps to verify your identity before fulfilling your request. When you make a request, the request should include name, phone number and email address and describe the rights you wish to exercise. Upon receipt of this request, we will contact you in order to confirm receipt of your request and to verify and match you to personal information we may have collected about you within the last 12 months. The degree of verification needed will depend on the type of request you make, and the nature of the personal information we have collected. We usually need to match at least two or three pieces of personal information to the personal information contained in our records. We may also ask you to sign a form of sworn declaration in certain circumstances, if you request us to send you a copy of the specific pieces of personal information we have about you, or to delete certain types of personal information.

B. Your Right to Appeal

If we decline to fulfill your request, in whole or in part, for any reason required or permitted by applicable law, we will notify you of the reason we are declining to fulfill your request. If we can partially fulfill your request, we will do so. We will attempt to fulfill your request within 45 days. If unable to do so within the 45-day period, we will notify you that we additional time (up to 45 days), along with an explanation of why we need the extra time.

If you are dissatisfied with the refusal of SmartPay to take action in accordance with the exercise of your rights in the "Accessing and Correcting Your Information" section above, you may request reconsideration by SmartPay, by sending a written request for reconsideration to the mailing address found in the "Have Questions?" section below. Within sixty (60) days of SmartPay's receipt of such written request for reconsideration, SmartPay shall inform you in writing (at the address indicated in your initial written request) of any action taken or not taken in response to your request for reconsideration, including a written explanation of the reasons for the decision. In addition, if your request for reconsideration is denied, you may have the right to appeal to the Attorney General in your state of residence if you are in the United States.

C. Mechanisms to Control Your Personal Information

- 1. Communications. If you do not wish to have your contact information used by us to promote our own or third-party products or services, you can opt-out by: (i) informing us of your preference at the time you , complete any form on or through the Services which we collect your data; (ii) modifying your user preferences in your account profile by checking or unchecking the relevant boxes; (iii) following the opt-out instructions at the bottom of the promotional emails we send you; or (iv) sending us an email stating your request. Please note that we may also send you non-promotional communications, however you will not be able to opt-out of these communications (e.g., transactional communications, including emails about your account; communications regarding our Services; and communications about updates to this Policy and the Terms of Service).
- 2. "Do Not Track". "Do Not Track" ("**DNT**") is a privacy preference you can set in certain web browsers. When you turn on this preference, it sends a signal or message to the websites you visit indicating that you do not wish to be tracked. Please note that we currently do not respond to or honor DNT signals or similar mechanisms transmitted by web browsers.
- 3. Online Advertising Industry. The online advertising industry also provides websites from which you may opt out of receiving targeted ads from data partners and other advertising partners that participate in self-regulatory programs. You can access these and learn more about targeted advertising and consumer choice and privacy by visiting the [Network Advertising Initiative](#), [the Digital Advertising Alliance](#), [the European Digital Advertising Alliance](#), and [the Digital Advertising Alliance of Canada](#).

STATE PRIVACY RIGHTS

A. California Privacy Rights

The California Consumer Privacy Act (and as amended by the California Privacy Rights Act (CPRA)) ("**CCPA**") requires covered businesses to provide California residents with some additional information regarding how they collect, use, and share your "personal information" (as defined in the CCPA). As such, we have provided additional details below about the information we collect, how we disclose it, and how you can exercise your privacy rights under the CCPA.

- 1. Categories of Personal Information that is Collected, Disclosed and Shared. The CCPA provides California residents with the right to know what categories of personal information covered businesses have collected about them and whether such businesses have disclosed that personal information for a business purpose (e.g., to a service provider) in the preceding 12 months. California residents can find this information below:

Category of Personal Information Collected	Category of Third Parties Personal Information is Disclosed to for a Business Purpose
<b>Identifiers.</b> A real name, postal address, Internet Protocol address, email address, or other similar identifiers.	<ul style="list-style-type: none"><li>• Service providers</li></ul>

Category of Personal Information Collected	Category of Third Parties Personal Information is Disclosed to for a Business Purpose
<b>Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e))</b> A name, address, telephone number, bank account number.	<ul style="list-style-type: none"><li>• Service providers</li></ul>
<b>Commercial information</b> Records of products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	<ul style="list-style-type: none"><li>• Service providers</li></ul>
<b>Internet or other electronic network activity</b> Browsing history, search history, information on a consumer's interaction with an internet website, application, or advertisement.	<ul style="list-style-type: none"><li>• Advertising partners</li><li>• Service providers</li></ul>
<b>Geolocation data</b> As described above, we may collect your IP address automatically when you use our Services. We may be able to determine your general location based on your device's IP address.	<ul style="list-style-type: none"><li>• Advertising partners</li><li>• Service providers</li></ul>

We may use any of the categories of information listed above for other business or operational purposes compatible with the context in which the personal information was collected. The categories of sources from which we collect personal information and our business and commercial purposes for using personal information are set forth in "Personal Information We Collect" and "How We Use Your Personal Information" above, respectively. We may share any of the information listed above with Service providers, which are companies that we engage for business purposes to conduct activities on our behalf.

Opt-Out of "Sales" or "Sharing" of Personal Information under the CCPA. California residents have the right to opt out of the "sale or sharing" of their personal information. Under the CCPA, (i) "sale" is defined broadly and includes the transfer of personal information by a business to a third party for valuable consideration (even if there is no exchange of money), and (ii) "sharing" is defined as communicating personal information by a business to a third party for cross-context behavior advertising. SmartPay does not currently, and has not in the preceding twelve (12) months, sold or shared personal information.

2. Additional Privacy Rights for California Residents.
- (i) *Opt-out of "Sales or Sharing".* California residents may opt-out of the "sale or sharing" of their personal information by contacting us as set forth in "Have Questions?" below.

(ii) *California Shine the Light.* The California "Shine the Light" law permits users who are California residents to request and obtain from us once a year, free of charge, a list of the third parties to whom we have disclosed their personal information (if any) for their direct marketing purposes in the prior calendar year, as well as the type of personal information disclosed to those parties. If you are a California resident and would like to exercise any of your rights under the law, please contact us as set forth in "*Have Questions?*" below. We will process such requests in accordance with applicable laws.

B. Nevada Privacy Rights

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Information to third parties who intend to sell or license that Personal Information, even if your Personal Information is not currently being sold. If you would like to exercise this right, please contact us via the information found in the “Have Questions?” section below.

HOW WE PROTECT THE INFORMATION WE COLLECT

We utilize physical, electronic and procedural safeguards reasonably designed to protect your Personal Information and reduce the risk of loss, misuse, unauthorized access, disclosure or modification. However, no transmission of information over the Internet or network or system can be guaranteed to be totally secure, and although we do our best to protect your personal information, we cannot ensure or warrant the security of any information you provide us. When you disclose information to us, you do so at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Services. The safety and security of your information is also dependent on you. If we have given you (or where you have chosen) a password for access to certain parts of the Services, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. If you have any reason to believe that your interaction with us is no longer secure, contact us immediately at: [privacy@smartpayllc.com](mailto:privacy@smartpayllc.com).

DATA RETENTION

We keep your information for the length of time needed to carry out the purpose outlined in this Privacy Statement and to adhere to our policies on keeping records (unless a longer period is needed by law). We retain your information for as long as your account is active, or as needed for us to provide you services, comply with our legal obligations, and enforce our agreements. Our records policies reflect applicable laws. Once this retention period has expired, we will delete your information in accordance with applicable law and our then-current information technology policies and procedures.

INTERNATIONAL TRANSFER OF PERSONAL INFORMATION

If you provide Personal Information through the Services, you acknowledge and agree that such Personal Information may be transferred from your current location to the offices and servers of SmartPay and the other third parties referenced in this Privacy Statement located in the United States or other countries, which may have data protection laws that are different from the laws where you live. We use commercially reasonable efforts to safeguard your information consistent with the requirements of applicable laws.

CHANGES TO OUR PRIVACY STATEMENT

We reserve the right to update this Privacy Statement from time to time in order to reflect, for example, changes to our practices or for other operational, legal, or regulatory reasons. When we do update this Privacy Statement, we will post any updates and changes we make on this page. The date the Privacy Statement was last revised is identified at the top of the page. We may elect to notify you of material changes by mail, email, posting of modified Privacy Statement, or some other similar manner. However, you are responsible for ensuring we have an up-to-date, active and deliverable e-mail address for you, and for periodically visiting our website and this Privacy Statement to check for any changes. Your continued use of or access to the Services following the posting of any changes to this Privacy Statement constitutes acceptance of those changes.

CHILDREN USING OR ACCESSING THE SERVICES

We are committed to protecting the privacy of children who visit our use our Services. SmartPay’s Services are directed at a general audience and are not targeted to children. If we learn that we have inadvertently collected or received Personal Information from an individual under the age of 13 in violation of applicable law, we will use reasonable efforts to immediately remove such information, unless we have a legal obligation to keep it. If you are a parent or legal guardian and think your child under the age of thirteen (13) has given us information without your consent, please contact us via the information found in the “Have Questions?” section below.

**THIRD-PARTY WEBSITES AND APPLICATIONS**

Our online Services may offer links to websites or applications that are not run by us but by third parties. These third-party services, websites or applications are not controlled by us, and may have privacy policies that differ from our own. We encourage our users to read the privacy policies and terms and conditions of each website and application with which they interact. We do not endorse, screen, or approve, and are not responsible for the practices of such third parties or the content of their application or website. Providing Personal Information to third-party websites or applications is at your own risk.

**HAVE QUESTIONS?**

If you have any questions about our Privacy Policy or our privacy practices, we'll do our best to answer them. Here's how to contact us:

**Phone | Main Phone:** (877) 905-0786

**Email | Information Security:** [privacy@smartpayllc.com](mailto:privacy@smartpayllc.com)

**Mailing Address:**

**SmartPay Solutions, LLC**

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