

# Nixon Benefits CCPA Privacy Notice

Last Updated June 25, 2020

Effective July 1, 2020

Nixon Benefits provides this CCPA Privacy Notice (“Notice”) in accordance with its obligations under the California Consumer Privacy Act of 2018 (the “CCPA”) and related regulations, and as part of its commitment to handling your Personal Information responsibly and transparently. Any terms defined in the CCPA have the same meaning when used in this Notice. This Notice supplements the information set forth in Nixon Benefits 2020 Privacy Notice available here: <https://www.nixon-benefits.com/privacy>. This Notice applies solely to residents of the State of California who do business with us *directly* – rather than as a participant in an employer-sponsored benefit plan - and/or who visit our website (the “Website”).

Please review this Notice to understand our privacy practices, including what Personal Information we collect, why we collect it, how we collect it, and how you can exercise your rights with respect to your Personal Information.

If you are an employee of a business client of Nixon Benefits, we may collect Personal Information in performance of our contract with your employer. In that instance, we are acting as a “Service Provider” to your employer. As such, we are obligated to collect and process that Personal Information in order to fulfill our contract with your employer, for instance in providing employee benefits, and your employer remains responsible for the handling of your Personal Information. You should therefore contact your employer about its privacy policies followed in handling your Personal Information. When Nixon Benefits acts as a Service Provider to a business client, if you or your authorized agent, as discussed further below, want to exercise any of your rights afforded under the CCPA, you need to contact your employer to make your request. We do not have any obligation to respond to your requests under these circumstances. If you are unclear whether or not we are acting as a Service Provider to a client, you may contact us through one of the methods to contact us that are provided at the end of this Notice.

**Under the limited circumstances where we are doing business with you directly (not as a Service Provider to your employer), and your Personal Information is not otherwise excluded as set forth in this Notice, the following information applies as to how we collect, use and share your Personal Information. It also explains your rights under the CCPA with regard to your Personal Information, and how to exercise those rights.**

## What Personal Information We Collect

Nixon Benefits is an insurance broker, placing insurance policies, providing risk management, employee benefits and related services to our clients. In conducting our business, we collect

information that identifies, relates to, describes, references, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device ("Personal Information"). Personal Information does not include information falling within any of the following categories:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Information excluded from the CCPA's scope, including:
  - 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.

Furthermore, until January 1, 2021, Personal Information does not include:

- Information regarding job applicants, employees, owners, directors, officers, or contractors of Nixon Benefits, emergency contact information from the same, and information necessary for us to administer benefits to same.
- Information we obtain from a consumer acting on behalf of a company and whose communications with use occur solely within the context of us performing due diligence regarding, or providing or receiving a product or service to or from, another company ("B2B Personal Information").

Subject to those exceptions, we have collected the following categories of Personal Information (PI) from consumers within the last twelve (12) months:

Category	Examples	Collected	Business Purpose for Collection
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	Providing quotation for insurance and insurance services Policy administration, including claims processing Providing services to you Regulatory compliance & security monitoring Communicating with you about our services and products
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	Providing quotation for insurance and insurance services Policy administration, including claims processing Providing services to you Regulatory compliance & security monitoring Communicating with you about our services and products
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 related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES	Providing quotation for insurance and insurance services Policy administration, including claims processing Providing services to you Regulatory compliance & security monitoring Communicating with you about our services and products

<b>Category</b>	<b>Examples</b>	<b>Collected</b>	<b>Business Purpose for Collection</b>
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES	Providing quotation for insurance and insurance services Policy administration, including claims processing Providing services to you Regulatory compliance & security monitoring Communicating with you about our services and products
E. Biometric information.	Genetic, physiological, behavioral and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns and sleep, health, or exercise data.	NO	
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	NO	To improve our website accessibility, design and functionality, including support services
G. Geolocation data.	Physical location or movements.	YES	We use cookies to identify general location information from our website users to understand where our customers are coming from and identify potential new areas of expansion.
H. Sensory data.	Audio, electronic, visual, thermal, or similar information.	NO	
I. Professional or employment-related information.	Current or past job history or performance evaluations	YES	Providing quotation for insurance and insurance services Policy administration, including claims processing Providing services to you Evaluating your job application you submitted to us.

<b>Category</b>	<b>Examples</b>	<b>Collected</b>	<b>Business Purpose for Collection</b>
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	NO	
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities and aptitudes.	NO	
L. Children's Data	Beneficiary information, data collected about children in the household	YES	We only collect information on children from the parent with the parent's consent for the following reasons: Providing quotation for insurance and insurance services Policy Administration, including claims processing Providing services to you

### **How We Collect Your Personal information**

Nixon Benefits obtains the categories of Personal Information listed above from the following categories of sources:

- Directly from you. For example, from the insurance applications you submit to us or requests for information you submit through our website.
- Indirectly from you. For example, from observing your location when using our Website.
- From third parties acting on your behalf such as a financial advisor, business manager, insurance carriers or your employer who has hired us to provide insurance services on its behalf and for its employees. In the latter instance, Nixon Benefits is considered a “Service Provider.”

### **Why We Collect Your Personal Information**

The business reasons we collect your Personal Information are set forth in the last column in the chart above.

### **How We Share Your Personal Information**

Nixon Benefits may disclose your Personal Information to a third party for a business purpose. When we disclose Personal Information for a business purpose, we enter into a contract that describes the purpose for the disclosure 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:

- Insurance carriers and third-party agents/brokers
- Service providers we use in connection with the services we provide to you
- Your financial advisor

**Sale of Personal Information** – Nixon Benefits does not sell Personal Information to third parties. In the preceding twelve (12) months, Nixon Benefits has not sold any Personal Information.

### **How to Exercise Your Rights With Respect to Your Personal Information**

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. Recall that if Nixon Benefits has collected your Personal Information as a Service Provider to your employer, you should direct your requests to exercise your rights under the CCPA directly to your employer. As a Service Provider, we do not have any obligation, and notwithstanding anything in this Notice to the contrary, we may elect not, to respond to your requests. If you are not certain whether or not we are acting as a Service Provider to your employer, use one of the methods to contact us that are provided at the end of this Notice.

**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 (explained in the section titled “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 third parties with whom we share that Personal Information.
- The specific pieces of Personal Information we collected about you (also called a data portability request).
- If we disclosed your Personal Information for a business purpose, a list of the types of Personal Information that each category of recipient obtained.

We do not provide these access and data portability rights for B2B Personal Information.

**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. We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

- Complete the insurance transaction for which we collected the Personal Information, provide the service that you requested, and take actions reasonably anticipated within the context of our ongoing business relationship with you. As an insurance brokerage, we are required by law to maintain the information and documentation you provided to us to procure your insurance policies for a minimum of 5 years. Therefore, in most cases, we will not delete your Personal Information.
- 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 the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 et. seq.).
- Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- Comply with a legal obligation.
- Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Once we receive and confirm your verifiable consumer request (see Exercising Access, Data Portability, and Deletion Rights), if none of the above retention conditions apply, we will delete your Personal Information from our records and direct our service providers to do the same.

We do not provide these deletion rights for B2B Personal Information.

**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 as follows:

- (800) 458-2186
- [Privacy@nixon-benefits.com](mailto:Privacy@nixon-benefits.com)
- By visiting [www.nixon-benefits.com](http://www.nixon-benefits.com)

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, we must receive a verifiable written authorization from you designating your agent.

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 collected Personal Information or an authorized representative.
- Confirm some of the Personal Information we have collected from you, excluding sensitive Personal Information such as driver's license number or social security number.
- 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 (up to 90 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 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.

### **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. Currently, we do not offer any financial incentives with respect to the CCPA.

### **Changes to This Notice**

Nixon Benefits will update this Notice at least once every twelve (12) months to reflect changes in our business, legal or regulatory obligations, and otherwise reserves the right to amend or modify this Notice at any time. Please check this Notice periodically for changes by visiting our website. **Your continued use of our Website following the posting of changes constitutes your acceptance of such changes.**

### **Contact Information**

If you have any questions or comments about this Notice, the ways in which Nixon Benefits collects and uses your information described here, your choices and rights regarding such use, or if you wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: 949-706-7632

Website: [www.nixonbenefits.com](http://www.nixonbenefits.com)

Email: [Privacy@nixonbenefits.com](mailto:Privacy@nixonbenefits.com)