



## FortiFi Privacy Notice Addendum for California Residents

**Effective Date:** May 8, 2020

**Last Reviewed on:** May 8, 2020

This Privacy Notice Addendum for California Residents (the “**California Privacy Addendum**”) describes our collection and use of Personal Information and supplements the information contained in FortiFi’s Privacy Policy and applies solely to all visitors, users, and others who reside in the State of California (“**consumers**” 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.

Note that this California Privacy Addendum does not apply employment-related personal information collected from our California-based employees, job applicants, contractors, or similar individuals. Please contact your local human resources department if you are a California employee and would like additional information about how we process your Personal Information.

*This California Privacy Addendum also does not apply to personal information reflecting a written or verbal business-to-business communication (“**B2B Personal Information**”). This exemption will expire on January 1, 2021.*

### Information We Will Collect

Our Site and Application 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, FortiFi’s Site and Application collects the following categories of personal information from our consumers:

Category	Applicable Pieces of Personal Information Collected
<b>A. Identifiers.</b>	A real name, alias, postal address(es), 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.
<b>B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).</b>	A name, signature, Social Security number, address(es), telephone number, passport number, driver’s license or state identification card number, bank account number, or any other financial information. <i>Some personal information included in this category may overlap with other categories.</i>

<b>C. Protected classification characteristics under California or federal law.</b>	If you choose to provide it: Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), veteran or military status.
<b>D. Commercial information.</b>	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.
<b>F. Internet or other similar network activity.</b>	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.

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 (FRCA), or the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA).

#### **Use of Personal Information**

We may use, "sell" for monetary *or other valuable consideration*, or disclose the personal information we collect and, of the past 12 months, have used "sold," or disclosed the personal information we have collected for one or more of the following business or commercial purposes:

- To fulfill or meet the reason you provided the information. For example, if you share your name and contact information to request a price quote or 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 to apply for financing, we will use that information to process your review your request and, if applicable, provide you with that financing. (*Categories A, B, C, D*)
- To provide, support, personalize, and develop our Site or Application, products, and services. (*Categories A, B, C, D*)
- To create, maintain, customize, and secure your account with us. (*Categories A, B, C, D, F*)
- To process your requests, purchases, transactions, and payments and prevent transactional fraud. (*Categories A, B, C D, F*)
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses. (*Categories A, B, C, D, F*)

- To help maintain the safety, security, and integrity of our Site or Application (and the servers used by the Application), products and services, databases and other technology assets, and business. *(Categories A, B, C, D, F)*
- For internal testing, research, analysis, and product development, including to develop and improve our Site and Application, and to develop, improve, or demonstrate our financing products and services. *(Categories A, B, C, D, F)*
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations. *(Categories A, B, C, D, F)*
- As described to you when collecting your personal information or as otherwise set forth in the CCPA. *(Categories A, B, C, D, F)*
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of FortiFi, Inc.'s assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by FortiFi, Inc. about our Site and Application users is among the assets transferred. *(Categories A, B, C, D, F)*
- Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity. *(Categories A, B, C, D, F)*
- Debugging to identify and repair errors that impair existing intended functionality. *(Categories A, B, C, D, F)*
- Short-term, transient use, provided that we do not disclose the personal information to another third party and is not used to build a profile about you or otherwise alter your experience outside the current interaction, including, but not limited to, the contextual customization of ads shown as part of the same interaction. *(Categories A, B, C, D, F)*
- Undertaking activities to verify or enhance or maintain the quality of our services. *(Categories A, B, C, D, F)*

FortiFi 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.

### **Sources of Personal Information**

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

- Directly from you. For example, from forms you complete when applying for financing. *(Categories A, B, C, D)*
- Indirectly from you. For example, from observing your actions on our Site or when using the Application. *(Categories F)*
- From third parties, insurance companies, and government and non-government land ownership records *(Categories A, B, C, D)*

## **Sharing Personal Information**

FortiFi may disclose your personal information to a third party for a business purpose or sell your personal information, subject to your right to opt-out of those sales (see *Opt-Out and Opt-In Rights*). 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. The CCPA prohibits third parties who purchase the personal information we hold from reselling it unless you have received explicit notice and an opportunity to opt-out of further sales.

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

In the preceding twelve (12) months, FortiFi has disclosed the following categories of personal information for a business purpose to the listed categories of third parties:

#### **A. Identifiers:**

*Categories of Third Parties:* Service providers who help us run our business (such as IT hosting providers, shipping companies, etc), Business partners (i.e. pre-qualified contractors who can perform your home improvement projects), Affiliates, parents, and subsidiary organizations of FortiFi, and Government entities.

#### **B. California Customer Records personal information categories:**

*Categories of Third Parties:* Service providers who help us run our business (such as IT hosting providers, shipping companies, etc), Business partners (i.e. pre-qualified contractors who can perform your home improvement projects), Affiliates, parents, and subsidiary organizations of FortiFi, and Government entities.

#### **C. Protected classification characteristics under California or federal law:**

*Categories of Third Parties:* Service providers who help us run our business (such as IT hosting providers, shipping companies, etc), Business partners (i.e. pre-qualified contractors who can perform your home improvement projects), Affiliates, parents, and subsidiary organizations of FortiFi, and Government entities.

#### **D. Commercial information:**

*Categories of Third Parties:* Service providers who help us run our business (such as IT hosting providers, shipping companies, etc.), Affiliates, parents, and subsidiary organizations of FortiFi, and Government entities.

#### **F. Internet or other similar network activity:**

*Categories of Third Parties:* Internet cookie information recipients, such as analytics and behavioral advertising services

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

As noted in our general Privacy Policy, we do not sell your personal information as the term “sell” is commonly understood to require an exchange for money. However, the California State Attorney General may issue guidance on whether the use of advertising and analytics cookies on our Site or in our Application may be considered a “sale” of Personal Information as the term “sale” is broadly defined in the CCPA to include both

monetary and other valuable consideration. Until such guidance has been issued, we continue to consider it a “sale” in order to be as transparent as possible with users of our Site and Application and will comply with the restrictions of the “sale” of this information to the extent technologically feasible. This “sale” would be limited to our use of third-party advertising and analytics cookies and their use in providing you behavioral advertising and their use in understanding how people use and interact with our Site(s) and Application(s).

In the preceding twelve (12) months, FortiFi has “sold” the following categories of personal information to the following categories of third parties for monetary or other valuable consideration:

**F. Internet or other similar network activity:**

*Categories of Third Parties:* Internet cookie information recipients, such as analytics and behavioral advertising services.

We do not sell the personal data of minors under the age of 16 for monetary or other valuable consideration without affirmative authorization.

**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. You may exercise these rights yourself or through your authorized agent.

***Authorized Agents***

You may authorize your agent to exercise your rights under the CCPA on your behalf by registering your agent with the California Secretary of State. You may also provide your authorized agent with power of attorney to exercise your rights. If you authorize an agent, we may require that your agent provide proof that they have been authorized exercise your rights on your behalf. We may request that your authorized agent submit proof of identity We may deny a request from your agent to exercise your rights on your behalf if they fail to submit adequate proof of identity or adequate proof that they have the authority to exercise your rights.

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

You have the right to request that FortiFi 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 or selling 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). We will not disclose your social security number, driver's license number or other government-issued identification number, financial account number, or your account password or security question or answers. We will also not provide this information if the disclosure would create a substantial, articulable, and unreasonable risk to your personal information, your account with FortiFi, or the security of our systems or networks.
- 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.

We do not provide these access and data portability rights for B2B personal information.

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

You have the right to request that FortiFi 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:

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. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *et. seq.*).
6. 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 the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.

8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

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 by either:

- Emailing us at [info@fortifi.com](mailto:info@fortifi.com)

Only you, or your agent that you authorize to act on your behalf, may make a verifiable consumer request related to your personal information. To designate an authorized agent, see below. We may request additional information so we may confirm a request to delete your personal information.

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.
- 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. However, we do consider requests made through your password protected account sufficiently verified when the request relates to personal information associated with that specific account.

We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

For instructions on exercising sale opt-out rights, see *Opt-Out and Opt-In Rights*.

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

We will respond to a verifiable consumer request within ten (10) days of its receipt. We will process these requests within forty-five (45) days of its receipt. If we require more time (up to 45 days), we will inform you of the reason and extension period in writing.

If you have an account with us, we will deliver our written response to that account. If you do not have an account with us, 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.

### ***Opt-Out and Opt-In Rights Regarding the “Sale” of Your Personal Information***

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”). We do not sell the personal information of consumers we actually know are less than 16 years of age, unless we receive affirmative authorization (the “right to opt-in”) from either the consumer who is between 13 and 16 years of age, or the parent or guardian of a consumer 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 adjust your cookie preferences by setting your browser or system settings to refuse all or some browser cookies, or to alert you when cookies are being sent. However, if you do not consent to our use of cookies or select this setting you may be unable to access certain parts of our Site and Applications or other websites. You can find more information about cookies at <http://www.allaboutcookies.org> and <http://youronlinechoices.eu>.

### **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. We currently do not provide any such financial incentives.

### **Other California Privacy Rights**

California Civil Code Section 1798.83 (California’s “Shine the Light” law) permits users of our Site(s) and Application(s) that are California residents and who provide personal information in obtaining products and services for personal, family, or household use to request certain information regarding our disclosure of personal information to third parties for their own direct marketing purposes. If applicable, this information would



include the categories of personal information and the names and addresses of those businesses with which we shared your personal information with for the immediately prior calendar year (e.g. requests made this year will receive information regarding such activities for last year). You may request this information once per calendar year. To make such a request, please send an email to [info@fortifi.com](mailto:info@fortifi.com) or write us at: 11111 Santa Monica Blvd.; Suite 950; Los Angeles, CA 90025.

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

FortiFi 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 Site and in the Application and update the notice's effective date. **Your continued use of our Site or Application 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 FortiFi collects and uses your information described above and in the 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:** (858) 345-2000

**Email:** [info@fortifi.com](mailto:info@fortifi.com)

**Postal Address:**

FortiFi  
12770 High Bluff Drive, Suite 260  
San Diego, CA 92130