

Notice at Collection and Privacy Policy for Employees Who Reside in California

Effective Date: January 1, 2023

We adopt this notice to comply with the California Consumer Privacy Act (“CCPA”) and other California privacy laws. The CCPA Privacy Notice applies solely to those who reside in the State of California. Any terms defined in the CCPA have the same meaning when used in this notice.

Members Trust Company (MTC) takes your privacy seriously. We want you to know how we collect, use, and disclose your personal information.

MTC reserves the right to change, modify and update this Privacy Policy from time to time by posting a revised version on our website and by revising the "Effective Date" at the top of this Policy. If considered necessary, we will also notify you directly of any change. Therefore, we recommend you regularly consult this Policy to make sure that you are aware of any changes.

This Privacy Policy explains:

1. The categories of personal information we collect about you
2. The categories of sources from which we collect your personal information
3. The purposes for which we use your personal information
4. How we may disclose your personal information
5. How long we keep your personal information
6. Your privacy rights and how to exercise them
7. Changes to this Privacy Policy

Scope

This Privacy Policy applies to the personal information of California residents who are (a) employees, (b) independent contractors and other individuals who perform work for Company (collectively “**Non-Employees**”), and (c) employees’ and Non-Employees’ dependents, emergency contacts, and beneficiaries (“**Related Contacts**”) (all collectively, “**HR Individuals**”) in their role as HR Individuals. For convenience, all HR Individuals are referred to as “**Employees**”. This Privacy Policy informs Employees about the categories of personal information Company has collected about them in the preceding 12 months as well as the categories of personal information that the Company will collect about Employees in the future.

Except where the Privacy Policy specifically refers only to a specific category of Employees (e.g., employees), this Privacy Policy refers to all categories of Employees collectively.

“**Personal information**” means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular HR Individual or household.

1. THE CATEGORIES OF PERSONAL INFORMATION WE COLLECT

1.1 Employees

- **Identifiers**, for example: real name, alias, telephone number, postal address, e-mail address, signature, bank account name and number for direct deposits, and photographs.
- **Professional or Employment-Related Information**, for example: educational institutions attended, degrees and certifications, licenses, work experience and previous employers, professional memberships and affiliations, union representation, seniority, training, employment start and ending dates, and job title.
- **Compensation and benefits information for employees**, for example: salary, bonus and commission, hours and overtime, leave information, bank details (for payroll and reimbursement purposes only), benefits in which you may be enrolled, and identifying information for dependents and beneficiaries.
- **Non-public educational information**, for example: academic transcripts.
- **Commercial Information**, for example: business travel and expense records.
- **Internet Activity Information**, for example: internet browsing and search history while using Company's network, log in/out and activity on Company's electronic resources, interactions with Company's Internet website, applications, or advertisements, and publicly available social media activity.
- **Sensory or Surveillance Data**, for example: voicemails, recordings of meetings or videoconferences, and footage from video surveillance cameras.
- **§ 1798.80**: personal information described under Cal. Civ. Code § 1798.80 to the extent not already included in other categories here, such as bank account number for purposes of direct deposit or insurance policy number.
- **Preferences**, for example: hobbies and leisure activities, membership in voluntary, charitable and public organizations, and preferences regarding work tools, travel, hours, food for company events, etc.
- **Inferences**, for example: Company might infer characteristics from activity on the Company's electronic resources, e.g., willingness to try new technologies.
- **Characteristics of protected classifications under California or Federal law for employees**, for example: race, age, national origin, disability, sex, and veteran status as necessary to comply with legal obligations and to support diversity and inclusion programs; disability, medical condition, and pregnancy, childbirth, breastfeeding, and related medical conditions, as necessary to comply with Federal and California law related to leaves of absence and accommodation; and marital and familial status as necessary to provide benefits to employees and for tax purposes.
- **Sensitive identifiers**, for example: Social Security, driver's license, state identification card, or passport number.
- **Biometric information**, for example: a fingerprint for a biometric timeclock.
- **Health information**, for example: information about an on-the-job injury collected for workers' compensation purposes.
- **Personal communications**, for example: the contents of mail, email, or text messages on accounts or services not owned, or subscribed-to, by Company only for purposes of legitimate Company investigations and, to the extent required by law, with your authorization.

- **Login credentials**, for example: login credentials to an online account owned or subscribed to by Company or as necessary to review personal communications as described in the preceding bullet point.
- **Religion**, for example: if volunteered by an employee in support of the employee's request for a religious accommodation.
- **Financial account access information**, for example: payment card information with CVV and other information as needed for the HR Individual to purchase business expenses.

1.2 Non-Employees

Company collects the categories of personal information listed in Section 1.1, above, *excluding* the following categories: (a) compensation and benefits information for employees; (b) characteristics of protected classifications under California or federal law for employees; (c) health information.

In addition, Company collects the following personal information regarding Non-Employees:

- **Compensation**: amounts paid to Non-Employees for services rendered.

1.3 Related Contacts

- Company only collects contact information about emergency contacts.
- Company may collect the following categories of personal information about spouses or domestic partners, dependents, and beneficiaries: (a) Identifiers; (b) commercial information if, for example, Company arranges travel for a dependent to attend a Company event; (c) Internet Activity Information if the individual uses Company electronic resources and websites; (d) sensory or surveillance data if the individual enters Company facilities; (e) § 1798.80 personal information, such as insurance policy numbers if the individual is covered by Company insurance as a beneficiary; (f) protected categories of Personal Information, for example, childbirth to administer parental leave, marital status to pay taxes, and familial status to administer benefits; (g) health information, for example, infectious disease testing when a Related Contact attends a Company event or if needed to administer a leave of absence for you to care for a Related Contact; (h) sex life, for example, date of newborn delivery to administer parental, Family and Medical Leave Act, or California Family Rights Act leave; (i) login credentials to a Company benefits portal or site; and (j) sensitive identifiers, for example, Social Security numbers for beneficiary designations; personal communications if communicating with a workforce member.

Note on inferring characteristics: Company does not collect or process sensitive personal information or characteristics of protected classifications for the purpose of inferring characteristics about an HR Individual.

2. THE CATEGORIES OF SOURCES FROM WHICH WE COLLECT YOUR PERSONAL INFORMATION

- **You**, for example, in your application, forms you fill out for us, assessments you complete, surveys you submit, and any information you provide during the course of your relationship with us.
- **Your spouse or dependent** with respect to their own personal information.

- **Internally generated**, for example, Company may generate performance ratings, evaluations, hours worked, and other information about you.
- **Third parties**, for example, job references, business partners, professional employer organizations or staffing agencies, insurance companies.
- **Public internet sources**, for example, social media, job boards, public profiles, and other public online sources
- **Public records**, for example, court records, and credentialing and licensing organizations.
- **Automated technologies** on Company's electronic resources, for example, to track logins and activity across Company networks.
- **Surveillance or recording technologies installed by Company**, for example, video surveillance in common areas of Company facilities, voicemail technologies, webcams, audio recording technologies, and blue-tooth technologies, any of these with consent to the extent required by law.
- **Government or administrative agencies**, for example, law enforcement, public health authorities, California Department of Industrial Relations, Employment Development Department.

Note: This Privacy Policy does not cover background screening conducted by third-party background check vendors subject to the federal Fair Credit Reporting Act. Company provides separate notices for such screening.

3. THE PURPOSES FOR WHICH WE USE YOUR PERSONAL INFORMATION

3.1 All Employees

Managing Personnel, including:

- **Administration, including:**
 - To manage personnel and workforce matters
 - To communicate with the workforce
 - To plan and arrange work supplies and workspaces
 - To fulfill recordkeeping and reporting responsibilities
 - To recruit new Employees
 - To resolve internal grievances and disciplinary issues
 - To make business travel arrangements
 - To manage workforce-related emergencies, including health emergencies
- **Workforce development, including:**
 - To screen workforce for risks to Company and continued suitability in their positions
 - To conduct surveys
- **Teambuilding, including:**
 - To maintain an internal workforce directory and for purposes of identification
 - To facilitate communication, interaction, and collaboration among Employees
 - To arrange meetings and manage Company-sponsored events and public service activities
 - To promote Company as a place to work
 - For workforce reporting and data analytics and trend analysis
 - For workforce satisfaction

Monitoring, security, and compliance, including:

- To monitor use of Company information systems and other electronic resources or information systems
- To conduct internal audits
- To conduct internal investigations
- To administer Company's whistleblower process
- To protect the safety and security of Company's facilities, including preventing illicit activity
- To report suspected criminal conduct to law enforcement and cooperate in investigations
- To control access to secure facilities
- To monitor compliance with Company policies
- To exercise Company's rights under applicable law and to support any claim, defense, or declaration in a case or before a jurisdictional and/or administrative authority, arbitration, or mediation panel

Conducting our business, including:

- To engage in marketing, advertising, and promotion
- For communications with prospective, current, and former customers
- To provide a directory and contact information for prospective and current customers and business partners
- For customer service purposes
- To enable Company to comply with client contractual obligations
- To manage and fulfill orders
- To manage business expenses and reimbursements
- To engage in project management
- To conduct product and service training
- To conduct research and development
- To conduct quality assurance and improvement
- For event planning
- To engage in crisis management

Miscellaneous other purposes, including:

- To manage and operate information technology and communications systems, risk management and insurance functions, budgeting, financial management and reporting, and strategic planning
- To manage litigation involving Company, and other legal disputes and inquiries and to meet legal and regulatory requirements
- To manage licenses, permits, and authorizations applicable to Company's business operations
- To protect the rights, property, or safety of Company, Employees, customers or others

3.2. Employees

Generally Applicable Purposes. Unless stated otherwise in the section titled "Purposes Specific to Certain Categories of Employees' Personal Information," we may use employees' personal information for the following purposes:

Managing employees, including:

- **Administration, including:**
 - To set up and manage a personnel file
 - To manage performance
 - To administer compensation, bonuses, equity grants, other forms of compensation, and benefits (as permitted by law)
 - To manage vacation, sick leave, and other leaves of absence
 - To track hours and attendance
 - To monitor compliance with Company policies and administer discipline
- **Employee development, including:**
 - To provide, evaluate, and manage training
 - To evaluate job performance and consider employees for other internal positions or promotions
 - To assist with professional licensing
 - To develop a talent pool and plan for succession
 - Career development activities
- **Teambuilding, including:**
 - For diversity and inclusion programs
 - To arrange teambuilding and other morale-related activities
 - To design employee retention programs

Purposes Specific to Certain Categories of Employees' Personal Information. We may use the categories of employees' personal information listed in this section for the purposes stated below:

Purposes for using employees' biometric information:

- Company uses biometric technology for security purposes to verify the identity of an individual entering certain Company facilities

Purposes for using employees' health information:

- To the extent necessary to comply with Company's legal obligations, such as to accommodate disabilities
- To conduct a direct threat analysis in accordance with the Americans with Disabilities Act and state law
- For workers' compensation purposes
- For occupational health surveillance
- For occupational health and safety compliance and record-keeping
- To conduct fitness-for-duty examinations
- To administer leaves of absence and sick time
- To provide a wellness program
- To respond to an employee's medical emergency

Note: This Privacy Policy does not cover health information governed by the Health Insurance Portability and Accountability Act (HIPAA), the Health Information Technology for Economic and Clinical Health Act (HITECH Act), or California's Confidentiality of Medical Information Act (CMIA).

Purposes for using employees' personal communications:

- For purposes of legitimate Company investigations and, to the extent required by law, with your authorization.

Purposes for using employees' religion:

- Company may use employees' religion to respond to, and manage, an employee's request for an accommodation on the basis of religion

Purposes for using employees' financial account access information:

- Company may use employees' credit card information, including CCV or CVV, when employee uses a payment card to make business-related purchases

Purposes for using sex life:

- Company may use information about an employee's sex life only to the extent relevant and necessary for a legitimate Company investigation and only if permitted by law, e.g., as needed to investigate allegations of sexual harassment.

Purposes for using employees' protected categories of information:

Company collects information about race, age, national origin, disability, sex, and veteran status as necessary to comply with legal obligations, including the reporting requirements of the Federal Equal Employment Opportunity Act, the Federal Office of Contracting Compliance Programs (applicable to government contractors), and California's Fair Employment and Housing Act. Company also collects information about disability status to the extent an employee may need special assistance during emergencies from Company or from first responders.

Company also collects the following characteristics (in addition to those listed above) for its diversity and inclusion programs (including analytics): (a) religion, (b) sex, (c) gender, (d) pregnancy, (e) childbirth, (f) breastfeeding, or related medical conditions, (g) sexual orientation, (h) disability, (i) gender identity, (j) gender expression, (k) marital status, (l) age, (m) familial status, and (n) ancestry.

Company also uses this personal information for purposes including:

- with respect to disability, medical condition, familial status, marital status, and pregnancy, childbirth, breastfeeding, and related medical conditions: as necessary to comply with Federal and California law related to leaves of absence and accommodation;
- with respect to military and veteran status: as necessary to comply with leave requirements under applicable law and for tax purposes;
- with respect to age: incidentally to the use of birth date for birthday celebrations and identity verification;
- with respect to religion and pregnancy, childbirth, breastfeeding, and related medical conditions: as necessary for accommodations under applicable law;
- with respect to protected classifications, such as national origin: to the extent this information is contained in documents that you provide in I-9 documentation; and
- with respect to marital status and familial status: for Company events and as necessary to provide benefits and for tax purposes.

Company collects personal information about membership in protected categories on a purely voluntary basis, except where required by law, and uses the information only in compliance with applicable laws and regulations.

3.3 Contingent Workforce

Managing Contingent Workforce, including:

- To evaluate the individual's qualifications for engagements, including licensure and certifications
- To negotiate and execute the agreement with the individual
- To provide orientation and familiarization with Company's working environment
- To administer the contractual relationship, including payments
- To evaluate the HR Individual's deliverables or performance of the contract
- To manage absences

3.4. Related Contacts

Spouse, Dependents and Beneficiaries

- To manage and administer benefits
- To administer the relationship
- To communicate with the individual
- To arrange travel to, and manage participation in, Company events

Emergency Contacts

- To communicate in the event of an emergency involving the individual who provided the emergency contact's information

4. HOW WE MAY DISCLOSE YOUR PERSONAL INFORMATION

Company generally maintains information related to its personnel as confidential; however, from time to time, Company may have a legitimate business need to disclose personnel information for one of the purposes listed in Section 3, above, to one or more of the categories of recipients listed below. In that event, Company discloses your personal information and/or sensitive personal information only to the minimum extent necessary to achieve the purpose of the disclosure and only if the disclosure is permitted by the California Privacy Rights Act ("CPRA") and other applicable laws.

- **Service providers and contractors:** Company discloses your personal information to service providers and contractors to assist us in meeting our business needs and contractual and legal obligations.
 - Company discloses your personal information to service providers and contractors only subject to written contracts in compliance with the CPRA and any other applicable law.
 - Service providers and contractors include auditors, administrative service providers, law firms, travel agencies, benefits providers, and any other entity providing services to Company.
- **Clients and customers:** This may include, for example, disclosing a sales representative's contact information with clients and customers.
- **Business partners:** For example, Company might disclose your business contact information to a co-developer of a new product or service with which you will be working.

- **Government or administrative agencies:** These may include, for example:
 - Internal Revenue Service to pay taxes;
 - Employment Development Department as required for state payroll taxes and to respond to unemployment or state disability insurance claims;
 - OSHA/CalOSHA as required to report work-related death or serious injury or illness;
 - Department of Fair Employment and Housing as required to respond to employment charges; and
 - California Department of Industrial Relations as required to resolve workers' compensation claims.
- **Public:** Company may disclose your personal information to the public as part of a press release, for example, to announce promotions or awards. If you do not want your personal information in press releases, please contact the HR Department. Company does not disclose sensitive personal information to the public.
- **Required Disclosures:** We may be required to disclose personal information (a) in a court proceeding, (b) in response to a court order, subpoena, civil discovery request, other legal process, or (c) as otherwise required by law.
- **Legal Compliance and Protections:** We may disclose personal information when we believe disclosure is necessary to comply with the law or to protect the rights, property, or safety of Company, our users, or others.

No sales and no “sharing,” *i.e.* disclosure, for cross-context behavioral advertising:

Company does not sell the personal information of any Employees nor disclose their personal information for cross- context behavioral advertising.

5. HOW LONG WE KEEP YOUR PERSONAL INFORMATION

Company keeps your personal information no longer than necessary for the purposes described in Section 3 above and in accordance with our record retention schedule.

We will store your personal data, in a form that permits us to identify you, for no longer than is necessary for the purpose for which the personal data is processed. We store your personal data as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements and rights, or if it is not technically and reasonably feasible to remove it. Otherwise, we will seek to delete your personal data within a reasonable timeframe upon request.

6. YOUR PRIVACY RIGHTS AND HOW TO EXERCISE THEM

6.1 Your California Privacy Rights

Right to Know: You have the right to submit a verifiable request for copies of specific pieces of your personal information collected in the preceding 12 months or at your option since January 1, 2022. Please note that the CPRA’s right to obtain copies does not grant a right to the whole of any document that contains personal information, but only to copies of “specific pieces” of personal information. There may be some specific information about you that we are not permitted by law to provide to you because of legal restrictions or because the information is used for security purposes, such as information collected in an internal investigation. You may make these requests up to twice in a 12-month period.

Moreover, Employees have a right to know categories of information collected, the sources of personal information, our purpose for collecting and using personal information, and categories of external recipients to which personal information is disclosed, but not the individual sources or recipients. This information is provided above. Company does not always track individualized sources or recipients.

Right to Delete: You have the right to submit a verifiable request for the deletion of personal information that you have provided to Company. Certain information that we hold about you may not be deleted. We are not permitted to delete information that we need in order to operate our business, administer our employees, protect our legal obligations and rights, or to provide security for our employees, our systems and our company.

Right to Correct: You have the right to submit a verifiable request for the correction of inaccurate personal information maintained by Company, taking into account the nature of the personal information and the purposes of processing the personal information.

Right to Opt Out of Sale and Sharing: You have the right to opt out of the sale of your personal information and the disclosure of your personal information for cross-context advertising. As noted above, Company does not sell personal information or disclose personal information for cross-context advertising.

Right to Limit Processing of Sensitive Personal Information: You have the right to tell us not to process sensitive personal information except for the purpose for which it was originally collected. Sensitive personal information includes the following categories of information described above: § 1798.80: personal information, characteristics of protected classifications, sensitive identifiers, health information, biometrics, religion, sex life, sexual orientation, personal communications, financial account information, and log in credentials. We describe the purposes for which we collect this information above and we do not process this information for other purposes.

6.2 How to Exercise Your Rights

Company will respond to requests to know, delete, and correct in accordance with applicable law if it can verify the identity of the individual submitting the request. You can exercise these rights by contacting Human Resources by phone or e-mail.

6.3 How We Will Verify and Respond to Your Request:

The processes that we follow to verify your identity when you make a request to know, correct, or delete are described below. The relevant process depends on how and why the request is submitted.

If you submit a request by any means, the verification process that we follow will depend on the nature of your request as described below:

Requests To Know Specific Pieces of Personal Information: We will match at least three data points that you provide with your request, or in response to our request for verification information, against information that we already have about you in our records and that we have determined to be reliable for purposes of verifying your identity. In addition, we may require you to sign a declaration under penalty of perjury that you are the individual whose personal information is the subject of the request.

Requests To Correct or Delete Personal Information: Our process for verifying your identity will depend on the sensitivity (as determined by Company) of the personal information that you ask us to correct delete. For less sensitive personal information, we will require a match of two data points as described in Paragraph 1, above. For more sensitive personal information, we will require a match of three data points and a signed declaration as described in Paragraph 2, above.

We have implemented the following additional procedures when verifying the identity of a requestor:

1. If we cannot verify your identity based on the processes described above, we may ask you for additional verification information. If we do so, we will not use that information for any purpose other than verification.
2. If we cannot verify your identity to a sufficient level of certainty to respond to your request, we will let you know promptly and explain why we cannot verify your identity.

We will acknowledge receipt of your requests to know, to delete, and to correct information within 10 days of receipt of your requests. We will respond to your request within 45 days; if we need additional time we will notify you that we need up to another 45 days to respond. Responses to requests for specific information about you will be provided using a format that is readily useable, including by mailing you a paper copy or providing an electronic copy to you by email.

6.4 Authorized Agents

If an authorized agent submits on your behalf a request to know, correct or delete, the authorized agent must submit with the request either (a) a power of attorney, signed by you, that is valid under California law; or (b) another document signed by you that authorizes the authorized agent to submit the request on your behalf. In addition, we may ask you or your authorized agent to follow the applicable process described above for verifying your identity.

6.5 Company's Non-Discrimination and Non-Retaliation Policy

Company will not unlawfully discriminate or retaliate against you for exercising your rights under the California Privacy Rights Act.

7. CHANGES TO THIS PRIVACY POLICY

If we change this Privacy Policy, we will post those changes on this page and update the Privacy Policy Effective Date above. If we materially change this Privacy Policy in a way that affects how we use or disclose your personal information, we will provide a prominent notice of such changes and the effective date of the changes before making them.

FOR MORE INFORMATION

For questions or concerns about Company's privacy policies and practices, please contact Human Resources.