

IntelliCorp Records, Inc.

EU-U.S. and Swiss-U.S. Privacy Shield Consumer Privacy Policy

Last Updated: 5 March 2019

IntelliCorp complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework(s) (Privacy Shield) as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and the United Kingdom and/or Switzerland, as applicable to the United States in reliance on Privacy Shield. IntelliCorp has certified to the Department of Commerce that it adheres to the Privacy Shield Principles with respect to such information. If there is any conflict between the terms in the privacy policy and Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>.

This Policy describes how INTELLICORP implements the Privacy Shield Principles for Consumer Personal Data.

For purposes of this Policy:

“Consumer” means any natural person who is located in the EU or Switzerland, but excludes any individual acting in his or her capacity as an Employee.

“Controller” means a person or organization which, alone or jointly with others, determines the purposes and means of the processing of Personal Data.

“Customer” means any entity that purchases or otherwise obtains products or services from INTELLICORP.

“Employee” means any current, former or prospective employee of INTELLICORP, or any of its European or Swiss affiliates, who is located in the EU or Switzerland.

“EU” means the European Union and Iceland, Liechtenstein and Norway.

“Personal Data” means any information, including Sensitive Data, that is (i) about an identified or identifiable individual, (ii) received by INTELLICORP in the U.S. from the EU or Switzerland, and (iii) recorded in any form.

“Privacy Shield Principles” means the Principles and Supplemental Principles of the EU-U.S. and Swiss-U.S. Privacy Shield frameworks.

“Processor” means any natural or legal person, public authority, agency or other body that processes Personal Data on behalf of a Controller.

“Sensitive Data” means Personal Data specifying medical or health conditions, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, sex life, the commission or alleged commission of any offense, any proceedings for any offense committed or alleged to have been committed by the individual or the disposal of such proceedings, or the sentence of any court in such proceedings.

“Swiss” means Switzerland.

“United Kingdom” means Great Britain and Northern Ireland.

INTELLICORP’s EU-U.S. and Swiss-U.S. Privacy Shield certifications can be found at <https://www.privacyshield.gov/>. For more information about INTELLICORP’s processing of Personal Data obtained from Consumers on its website, please visit [INTELLICORP’s Online Privacy Notice](#).

Types of Personal Data INTELLICORP Collects

INTELLICORP collects Personal Data directly from Consumers. This collection occurs, for example, when a Consumer visits INTELLICORP’s website and provides Personal Data to INTELLICORP. In addition, INTELLICORP obtains Consumer Personal Data, such as contact information, in connection with maintaining its Customer relationships and providing its products and services to Customers.

As a Processor, INTELLICORP receives Personal Data about its Customers’ Consumers located in the EU, United Kingdom, and/or Switzerland. INTELLICORP’s Customers provide the Personal Data to INTELLICORP in connection with INTELLICORP’s provision of services to its Customers. In this capacity, INTELLICORP acts pursuant to its Customers’ instructions. The types of Personal Data INTELLICORP’s Customers provide include information such as name, address, date of birth, email address, Social Security number, nationality, gender, government or other national identification number, mother’s maiden name, father’s full name, years at residence, and education and current and prior occupation information. INTELLICORP processes Consumer Personal Data in the U.S. to provide background check services.

INTELLICORP’s privacy practices regarding the processing of Consumer Personal Data comply, as appropriate, with the Privacy Shield Principles of Notice; Choice; Accountability for Onward Transfer; Security; Data Integrity and Purpose Limitation; Access; and Recourse, Enforcement and Liability.

Notice

INTELLICORP provides information in this Policy and the company’s Online Privacy Notice at <https://www.intellicorp.net/marketing/PrivacyPolicy.aspx> about its Consumer Personal Data practices, including the types of Personal Data INTELLICORP collects, the types of third parties to which INTELLICORP discloses the Personal Data and the purposes for doing so, the rights

and choices Consumers have for limiting the use and disclosure of their Personal Data, and how to contact INTELLICORP about its practices concerning Personal Data.

When INTELLICORP acts as a Processor and Consumer Personal Data is transferred to INTELLICORP in the U.S. on behalf of a Customer, the Customer is responsible for providing appropriate notice to its Consumers and obtaining the requisite consent.

Privacy notices pertaining to specific data processing activities also may contain relevant information.

Choice

When INTELLICORP collects Personal Data directly from Consumers, the company generally offers those Consumers the opportunity to choose whether their Personal Data may be (i) disclosed to third-party Controllers, or (ii) used for a purpose that is materially different from the purposes for which the information was originally collected or subsequently authorized by the relevant Consumer. To the extent required by the Privacy Shield Principles, INTELLICORP obtains opt-in consent for certain uses and disclosures of Sensitive Data. Consumers may contact INTELLICORP as indicated below regarding the company's use or disclosure of their Personal Data. Unless INTELLICORP offers Consumers an appropriate choice, the company uses Personal Data only for purposes that are materially the same as those indicated in this Policy or the company's Online Privacy Notice at <https://www.intellicorp.net/marketing/PrivacyPolicy.aspx>.

When INTELLICORP maintains Personal Data about Consumers with whom INTELLICORP does not have a direct relationship because INTELLICORP obtained or maintains the Consumers' data as a Processor, INTELLICORP's Customers are responsible for providing the relevant Consumers with certain choices with respect to the Customers' use or disclosure of the Consumers' Personal Data.

INTELLICORP shares Consumer Personal Data with its affiliates. INTELLICORP may disclose Consumer Personal Data without offering an opportunity to opt out, and may be required to disclose the Personal Data, (i) to third-party Processors the company has retained to perform services on its behalf and pursuant to its instructions, (ii) if it is required to do so by law or legal process, or (iii) in response to lawful requests from public authorities, including to meet national security, public interest or law enforcement requirements. INTELLICORP also reserves the right to transfer Personal Data in the event of an audit or if the company sells or transfers all or a portion of its business or assets (including in the event of a merger, acquisition, joint venture, reorganization, dissolution or liquidation).

Accountability for Onward Transfer of Personal Data

This Policy and INTELLICORP's Online Privacy Notice at <https://www.intellicorp.net/marketing/PrivacyPolicy.aspx> describe INTELLICORP's sharing of Consumer Personal Data.

To the extent INTELLICORP acts as a Controller, except as permitted or required by applicable law, INTELLICORP provides Consumers with an opportunity to opt out of sharing their Personal Data with third-party Controllers. INTELLICORP requires third-party Controllers to whom it discloses Consumer Personal Data to contractually agree to (i) only process the Personal Data for limited and specified purposes consistent with the consent provided by the relevant Consumer, (ii) provide the same level of protection for Personal Data as is required by the Privacy Shield Principles, and (iii) notify INTELLICORP and cease processing Personal Data (or take other reasonable and appropriate remedial steps) if the third-party Controller determines that it cannot meet its obligation to provide the same level of protection for Personal Data as is required by the Privacy Shield Principles.

With respect to transfers of Consumer Personal Data to third-party Processors, INTELLICORP (i) enters into a contract with each relevant Processor, (ii) transfers Personal Data to each such Processor only for limited and specified purposes, (iii) ascertains that the Processor is obligated to provide the Personal Data with at least the same level of privacy protection as is required by the Privacy Shield Principles, (iv) takes reasonable and appropriate steps to ensure that the Processor effectively processes the Personal Data in a manner consistent with INTELLICORP's obligations under the Privacy Shield Principles, (v) requires the Processor to notify INTELLICORP if the Processor determines that it can no longer meet its obligation to provide the same level of protection as is required by the Privacy Shield Principles, (vi) upon notice, including under (v) above, takes reasonable and appropriate steps to stop and remediate unauthorized processing of the Personal Data by the Processor, and (vii) provides a summary or representative copy of the relevant privacy provisions of the Processor contract to the Department of Commerce, upon request. INTELLICORP remains liable under the Privacy Shield Principles if the company's third-party Processor onward transfer recipients process relevant Personal Data in a manner inconsistent with the Privacy Shield Principles, unless INTELLICORP proves that it is not responsible for the event giving rise to the damage.

Security

INTELLICORP takes reasonable and appropriate measures to protect Consumer Personal Data from loss, misuse and unauthorized access, disclosure, alteration and destruction, taking into account the risks involved in the processing and the nature of the Personal Data.

Data Integrity and Purpose Limitation

INTELLICORP limits the Consumer Personal Data it processes to that which is relevant for the purposes of the particular processing. INTELLICORP does not process Consumer Personal Data in ways that are incompatible with the purposes for which the information was collected or subsequently authorized by the relevant Consumer. In addition, to the extent necessary for these purposes and consistent with its role as a Controller or Processor, INTELLICORP takes reasonable steps to ensure that the Personal Data the company processes is (i) reliable for its intended use, and (ii) accurate, complete and current. In this regard, INTELLICORP relies on its Consumers and Customers (with respect to Personal Data of Consumers with whom INTELLICORP does not have a direct relationship) to update and correct the relevant Personal Data to the extent necessary for the purposes for which the information was collected or

subsequently authorized. Consumers (and Customers, as appropriate) may contact INTELLICORP as indicated below to request that INTELLICORP update or correct relevant Personal Data.

Subject to applicable law, INTELLICORP retains Consumer Personal Data in a form that identifies or renders identifiable the relevant Consumer only for as long as it serves a purpose that is compatible with the purposes for which the Personal Data was collected or subsequently authorized by the Consumer or Customer, as appropriate.

Access

Consumers generally have the right to access their Personal Data. Accordingly, to the extent INTELLICORP acts as a Controller, where appropriate, INTELLICORP provides Consumers with reasonable access to the Personal Data INTELLICORP maintains about them. INTELLICORP also provides a reasonable opportunity for those Consumers to correct, amend or delete the information where it is inaccurate or has been processed in violation of the Privacy Shield Principles, as appropriate. INTELLICORP may limit or deny access to Personal Data where the burden or expense of providing access would be disproportionate to the risks to the Consumer's privacy in the case in question, or where the rights of persons other than the Consumer would be violated. Consumers may request access to their Personal Data by contacting INTELLICORP as indicated below.

When INTELLICORP maintains Personal Data about Consumers with whom INTELLICORP does not have a direct relationship because INTELLICORP maintains the Consumers' data as a Processor for its Customers, INTELLICORP's Customers are responsible for providing Consumers with access to the Personal Data and the right to correct, amend or delete the information where it is inaccurate or has been processed in violation of the Privacy Shield Principles, as appropriate. In such circumstances, Consumers should direct their questions to the appropriate INTELLICORP Customer. When a Consumer is unable to contact the appropriate Customer, or does not obtain a response from the Customer, INTELLICORP will provide reasonable assistance in forwarding the Consumer's request to the Customer.

Recourse, Enforcement and Liability

INTELLICORP has mechanisms in place designed to help assure compliance with the Privacy Shield Principles. INTELLICORP conducts an annual self-assessment of its Consumer Personal Data practices to verify that the attestations and assertions the company makes about its Privacy Shield privacy practices are true and that the company's privacy practices have been implemented as represented and in accordance with the Privacy Shield Principles.

Consumers may file a complaint concerning INTELLICORP's processing of their Personal Data. INTELLICORP will take steps to remedy issues arising out of its alleged failure to comply with the Privacy Shield Principles. Consumers may contact INTELLICORP as specified below about complaints regarding the company's Consumer Personal Data practices.

If a Consumer's complaint cannot be resolved through INTELLICORP's internal processes, INTELLICORP will cooperate with JAMS pursuant to the JAMS International Mediation Rules, available on the JAMS website at <https://www.jamsadr.com/eu-us-privacy-shield>. JAMS mediation may be commenced as provided for in the relevant JAMS rules. Following the dispute resolution process, JAMS or the Consumer may refer the matter to the U.S. Federal Trade Commission, which has Privacy Shield investigatory and enforcement powers over INTELLICORP. Under certain circumstances, Consumers also may be able to invoke binding arbitration to address complaints about INTELLICORP's compliance with the Privacy Shield Principles.

In the context of an onward transfer, INTELLICORP has a responsibility for the processing of personal information it receives under the Privacy Shield and subsequently transfers to a third party acting as an agent on its behalf. INTELLICORP shall remain liable under the Principles if its agent processes such personal information in a manner inconsistent with the Principles, unless INTELLICORP proves that it is not responsible for the event giving rise to the damage.

When INTELLICORP maintains Personal Data about Consumers with whom INTELLICORP does not have a direct relationship because INTELLICORP obtained or maintains the Consumers' data as a Processor for its Customers, Consumers may submit complaints concerning the processing of their Personal Data to the relevant Customer, in accordance with the Customer's dispute resolution process. INTELLICORP will participate in this process at the request of the Customer or the Consumer.

How to Contact INTELLICORP

To contact INTELLICORP with questions or concerns about this Policy or INTELLICORP's Consumer Personal Data practices:

Write to:

IntelliCorp Records, Inc.
Attention: Compliance Department
3000 Auburn Dr., Suite 410
Beachwood, OH 44122
USA

E-mail: compliance@intellincorp.net