

Higginbotham Privacy Notice for California Residents

Effective Date: January 1, 2020

Last Reviewed on: May 6, 2020

This **Privacy Notice for California Residents** supplements the information contained in Higginbotham's Privacy Policy located at <https://www.higginbotham.net/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.

This Notice does not apply to employment-related Personal Information collected from California-based employees, job applicants, contractors, or similar individuals (see [HYPERLINKED URL TO CALIFORNIA EMPLOYEE PRIVACY NOTICE]).

Where noted in this Notice, the CCPA temporarily exempts Personal Information reflecting a written or verbal business-to-business communication ("**B2B Personal Information**") from some of its requirements.

If you are an employee of a commercial client of Higginbotham, 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 achieve the purpose of that contract such as providing Employee Benefits and your employer which remains responsible for the handling of your Personal Information. You should therefore review your employer's Privacy Notice to learn how your Personal Information is handled.

When we act as a Service Provider to a 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 provided methods below.

INFORMATION WE COLLECT

Higginbotham is an insurance brokerage, 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:

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

In particular, we have collected the following categories of Personal Information (PI) from our consumers within the last twelve (12) months:

PI Category	Examples	Business Purpose for Collection of PI
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.	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
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.	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
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).	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
Criminal and	Motor vehicle reports.	Providing quotation for insurance and

motor vehicle records		insurance services Policy Administration, including claims processing Providing services to you Regulatory compliance & security monitoring
Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	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
Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	To improve our website accessibility, design and functionality, including support services
Geolocation data.	Physical location or movements.	We use cookies to identify general location information from our website users to understand where our customers are coming from and identify potential new office locations
Professional or employment-related information.	Current or past job history or performance evaluations.	Providing quotation for insurance and insurance services Policy Administration, including claims processing Providing services to you Evaluating your job application you submitted to us
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.	Providing quotation for insurance and insurance services Policy Administration, including claims processing Providing services to you and your employer
Inferences drawn	Profile reflecting a person's	Providing quotation for insurance and

from other Personal Information.	preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	insurance services Policy Administration, including claims processing Providing services to you Regulatory compliance & security monitoring Communicating with you about our services and products
Children's Data.	Beneficiary information, data collected about children in the household.	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

CATEGORIES OF SOURCES OF PERSONAL INFORMATION

We obtain 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 actions on 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, Higginbotham is considered a "Service Provider."

SHARING PERSONAL INFORMATION

We may disclose your Personal Information to a third party for a business purpose. 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.

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 Business manager or financial advisor

Sales of personal information - Higginbotham does not sell Personal Information to third parties. In the preceding twelve (12) months, Higginbotham has not sold any Personal Information.

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.

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 (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).
- If we disclosed your Personal Information for a business purpose, a list disclosing:
 - 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 we 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 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.
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. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *et. seq.*).

5. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
6. Comply with a legal obligation.
7. 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:

- (888) 314-4563
- CCPArequest@higginbotham.net
- Visiting Higginbotham.net

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, which may include:
- 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. We do not presently offer any financial incentives with respect to the CCPA.

CHANGES TO OUR PRIVACY NOTICE

We reserve 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 Website and update the notice's effective date. **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 Higginbotham collects and uses your information described here, 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: (888) 314-4563

Website: Higginbotham.net

Email: CCPArequest@higginbotham.net