

# Privacy Policy

Fortis Payment Systems, LLC ("Fortis") is committed to protecting the privacy of our merchants. We have designed the Privacy Policy to inform you about what information we collect and how we use your personal information in order to provide payments processing and other products/services to you.

The Privacy Policy is available in the footer section of the Fortis website ([www.fortispay.com](http://www.fortispay.com)). From time to time, Fortis may, without notice, modify or eliminate all or a portion of this Privacy Policy.

## **Merchant Consent**

Fortis may provide separate privacy notices that apply to specific products or services that we offer; in which case this Privacy Notice does not apply. Where this Privacy Notice applies, Fortis may provide additional or supplemental privacy notices to individuals at the time we collect their data, which will govern how we may process the information provided at that time. We may alter this Privacy Statement as needed for certain products and services and to abide by local laws or regulations around the world, such as by providing supplemental information in certain countries. This Privacy Notice does not apply to Fortis' processing of the personal data of its personnel, such as employees and contractors.

## **Information Provided by You**

When Fortis collects information directly from you, we obtain this personal information in order to provide you with our products and/or services, to provide customer service and to fulfill legal and regulatory requirements.

The information we collect may include your name, physical and mailing address, e-mail address, telephone number, date of birth, and last four of the Social Security Number. Fortis receives credit and financial-related personal information from consumer reporting agencies, such as credit bureaus reports and other personal information from other third parties. Fortis also obtains information verifying your business from third party sources. When we obtain information about our merchants from third parties, we use sources that we believe are reputable, including public repositories.

## **We are committed to protecting the confidentiality of your personal information.**

When Fortis collects personal information about you, we handle this information with discretion and confidentiality. Fortis' policies limit access to the personal information we collect to those Fortis employees and Fortis business relationships that need the information to fulfill their business responsibilities. We require our employees to adhere to Fortis' Privacy Policy. Employees who violate the Fortis Privacy Policy are subject to disciplinary action.

When Fortis engages vendors and other outside contractors, they are subject to our contractual requirements. For purposes of credit reporting, verification, and risk management, we may share information about you with third parties. We will also disclose information in response to a request issued by a court, government agency or regulatory authority.

In addition, when Fortis obtains personal information about consumers indirectly through our merchants, we require our merchants to provide these consumers with their own timely and complete privacy notice.

## **We protect your information and use appropriate**

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We take reasonable precautions to protect your information from loss, misuse, and unauthorized access, disclosure, alteration, or destruction. Please note, however, that no data security measures can be guaranteed to be completely effective, and we cannot guaranty the safety or security of your information.

## **We strive to give you choices about how your information will be used.**

When we obtain personal information as part of our direct relationship with you, we will not share this information with nonaffiliated third parties, except in the following circumstances:

- In accordance with the Fortis Privacy Policy
- To facilitate and complete merchant-initiated or authorized transactions
- To comply with federal, state and local laws, including credit reporting laws and card association rules
- To combat fraud
- To offer products and services that Fortis believes may be of interest to you.

As a general policy, we use personal information and message data, if applicable, for internal purposes only. We do not sell or rent information about you. We will not disclose personal information or message data to third parties without your consent, except as explained in this Privacy Policy.

Since your needs may change, and Fortis continuously develops new products and services, we may contact you to determine if we can provide you with additional services. Most of our customers appreciate hearing about our new products and services and prefer that we continue to contact them. If you would prefer not to be contacted, we will make information available to you about how you may request to have your name removed from any Fortis-owned marketing lists.

You may also opt out of information sharing by providing Fortis with your e-mail address by calling us at 855-465-9999.

## **We maintain procedures to assure the quality of information we collect, and, in some instances, we inform you how you can access your information and make corrections, if necessary.**

Fortis employs appropriate measures to assure the quality of information that we collect directly from you. In some instances, where Fortis collects information directly from you, Fortis informs you how to correct any erroneous or out-of-date information stored in our database. These requirements and procedures may vary by each Fortis business activity. We abide by applicable laws related to such information.

## **We use appropriate security safeguards.**

At Fortis, security is important. Fortis employs appropriate measures, including advanced technology to protect personal information collected against unauthorized access, disclosure, alteration or destruction. These measures may include, among others, encryption, physical access security and other appropriate technologies. Fortis continually reviews and enhances its security systems, as necessary.

## **Fortis' websites may be linked to other websites.**

Fortis may create links to third-party websites. Fortis is not responsible for the content or privacy practices employed by third-party websites that are linked to our website. Neither does Fortis control or warrant the products or services offered at third-party websites.

## **Use of Cookies**

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To ensure we are publishing content customers need and want, Fortis collects aggregated site-visitation statistics using cookies. When someone visits the site, a cookie is placed on the customer's machine (if the customer accepts cookies) or is read if the customer has visited the site previously. If you choose to not have your browser accept cookies from Fortis' website, you will need to reenter your personal information each time that you attempt to access premium information.

## We strive to maintain our privacy standards.

Your privacy is important to us. Fortis enforces its privacy program standards by doing the following:

- Employee privacy training and employee compliance related to the Privacy Policy
- Periodic assessments of Fortis' compliance with this Privacy Policy
- Periodic management review to ensure that Fortis actively participates in appropriate privacy activities, including self-regulatory initiatives

## Information for California Residents

California's Consumer Privacy Act of 2018 (the "CCPA") requires that we tell you about the categories of personal information collected by Fortis and the sources from which we collect personal information, the categories of your personal information that we share, and the kinds of third parties with whom we share your personal information. We have included that information in this Notice to comply with the CCPA and any terms defined in the CCPA have the same meaning when used within this policy document. Please note that this does not apply to personal information that we collect from employees or job applicants, or from owners, directors, officers, or contractors of Fortis in the course of our provision or receipt of business-related services.

## Data Collection Notice

We collect the categories of personal information specified below. Fortis may use, share, or disclose these categories of personal information for one or more of the following business or commercial purposes.

	Categories	Description	Purpose(s)
A	Identifiers (including, without limitation, 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)	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	To fulfill the reason you provided the information, such as responding to your inquiries regarding an application, evaluating and processing your application, and verifying your information during the approval process.

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B	Categories listed in 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.	To maintain, customize, and secure your Fortis Payment Systems, LLC ("Fortis") account information, obtain payment for equipment, and keep track of your transactions, payments and fees. To resolve disputes and enforce our agreements, establish or exercise our legal rights, or defend against legal claims.
C	Inferences drawn from other personal information	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.

### Sources of Data and Data Sharing

The chart below shows the categories of sources of the personal information that we use and the third parties with whom we share that information for the purposes described above in this Notice.

	Categories Collected	Sources of Collection of Personal Information	Categories of Third Parties with Which We Share Personal Information
A	Identifiers (including, without limitation, a real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, account	<ul style="list-style-type: none"> <li>• You (directly)</li> <li>• Independent sales agents</li> <li>• Service providers</li> <li>• Third parties</li> </ul>	<ul style="list-style-type: none"> <li>• Independent sales agents</li> <li>• Service Providers</li> <li>• Debt-collectors and</li> </ul>

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	name, social security number, driver's license number)	<ul style="list-style-type: none"> <li>Public records</li> </ul>	<ul style="list-style-type: none"> <li>payment processors</li> </ul>
B	Categories listed in Cal. Civ. Code § 1798.80(e)	<ul style="list-style-type: none"> <li>You (directly)</li> <li>Independent sales agents</li> <li>Service providers</li> <li>Third parties</li> <li>Public records</li> </ul>	<ul style="list-style-type: none"> <li>Service Providers</li> <li>Independent sales agents</li> <li>Debt-collectors and payment processors</li> </ul>
C	Inferences drawn from other personal information	<ul style="list-style-type: none"> <li>You (directly)</li> <li>Independent sales agents</li> <li>Service providers</li> <li>Third parties</li> <li>Public records</li> </ul>	<ul style="list-style-type: none"> <li>Service Providers</li> <li>Independent sales agents</li> <li>Debt-collectors and payment processors</li> </ul>

### Sales of Personal Information

We do not sell your Personal Information to third parties as defined in the CCPA.

### California Rights and Choices

Subject to certain restrictions, the CCPA gives California residents certain rights to request access to personal information that Fortis has about you, to request deletion of personal information that we collect and maintain, and to opt-out of the sale of personal information about you. This section describes how you can exercise those rights and our process for handling your requests.

#### a) Right to Request Access to Your Personal Information

California residents have the right to request a copy of the following: (1) the categories of personal information we collected about you; (2) the categories of sources from which the personal information is collected; (3) the business or commercial purpose for collecting or, if applicable, selling, the personal information; (4) the categories of third parties with whom we share personal information; and (5) the specific pieces of personal information we have collected about you.

To submit a request, please email us at [compliance@fortispay.com](mailto:compliance@fortispay.com) or call us at 1-855-465-9999.

The CCPA requires us to verify the identity of the individual submitting the request before providing a substantive response to the request. A request must be provided with sufficient detail to allow us to understand, evaluate and respond. The requester must provide sufficient information to allow us to reasonably verify that the individual is the person about whom we collected information. California residents can empower an "authorized agent" to submit requests on their behalf. We will require the authorized agent to have a written authorization confirming that authority. We cannot respond to your request to provide any personal information if we cannot verify your identity using the information provided.

#### b) Right to Request Deletion of Personal Information

You have the right to request that Fortis delete personal information that we collected from you

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and retained, subject to certain exceptions. To submit a request, please email us at [compliance@fortispay.com](mailto:compliance@fortispay.com) or call us at 1-855-465-9999.

The CCPA requires us to verify the identity of the individual submitting the request before providing a substantive response to the request. A request must be provided with sufficient detail to allow us to understand, evaluate and respond. The requester must provide sufficient information to allow us to reasonably verify that the individual is the person about whom we collected information. California residents can empower an "authorized agent" to submit requests on their behalf. We will require the authorized agent to have a written authorization confirming that authority. We cannot respond to your request to provide any personal information if we cannot verify your identity using the information provided.

## **c) Request Processing and Timing**

We will 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 do not charge a fee to process or respond to your 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.

## **d) Right to Non-Discrimination for the Exercise of Privacy Rights**

California residents have the right to not be discriminated against for exercising their rights as described in this Notice. We will not discriminate against you for exercising your CCPA rights.

## **Changes to Our Privacy Notice**

This privacy notice was last updated on January 1, 2020. Fortis reserves the right to amend this privacy notice at its discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on our website and update the notice's effective date.

## **How the Fortis Privacy Policy applies to you.**

The information contained in this Privacy Policy are examples only and are not intended to be all-inclusive. If you decide to close your merchant account or become inactive, or if we close or suspend your account, our Privacy Policy, will continue to apply. We may amend this Privacy Policy at any time, and we will inform you of changes as required by law. You may have other privacy protections under state laws, and we will comply with applicable state laws when we disclose information about you.

If you supply us with personal data and request information from us, we will contact you to provide you with the information you requested. We may also contact you to follow up on your job opportunity inquiries, or we may send you other information about Fortis and its products or services that we believe you would find interesting or helpful.

If you have any questions or comments about the Fortis Privacy Policy, please contact [compliance@fortispay.com](mailto:compliance@fortispay.com)

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# Privacy Policy

This Fortis Privacy Policy is currently applicable only to Fortis' United States and Canadian customers and visitors to our website. Cross-border transactions may have their own rules and practices.