



## PRIVACY NOTICE FOR CALIFORNIA JOB APPLICANTS AND EMPLOYEES

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The California Consumer Privacy Act ("CCPA" or "Act") grants California residents ("you") certain privacy rights in their personal information. This notice does not apply to you unless you are a California resident.

The CCPA requires a business that collects personal information from California residents to disclose at or before the point of collection, the categories of personal information to be collected, the purposes for which that information is to be collected or used, whether that information is sold or shared for cross context behavioral purposes, and the length of time a business intends to retain that information. If sensitive personal information is to be collected, the Act requires a business to disclose the purposes for which it is collected or used and whether such information is sold or shared. This Privacy Notice is intended to meet these requirements.

Effective January 1, 2023, the CCPA applies to the personal information a business collects from job applicants, employees, owners, directors, shareholders, or independent contractors of the business. This Privacy Notice only applies to residents of the State of California.

The CCPA defines various terms used in this Privacy Notice such as: consumer, sale, share, cross-context behavioral advertising and the definitions of those terms are incorporated herein.

### **Personal Information**

The CCPA defines personal information as information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. The CCPA also has recognized a category personal information called "sensitive personal information" which is listed in the chart below.

Personal information under the CCPA, however, does not include:

- Deidentified or aggregated consumer information.
- Publicly available information from federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public by the consumer, or from widely distributed media, or made available by a person to whom the consumer has disclosed the information

without restricting the information to a specific audience. Personal information also does not include lawfully obtained, truthful information that is a matter of public concern.

The CCPA further excludes certain types of information from its definition of personal information:

- (i) Medical or health information covered by the Health Insurance and Portability and Accountability Act of 1966 (“HIPAA”) and the California Confidentiality of Medical Information Act (“CMIA”) and certain types of clinical trial or biomedical research study data.
- (ii) Personal information covered by certain specific privacy laws such as 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.

The chart immediately below identifies categories or examples of personal information and sensitive personal information covered by the CCPA some of which we collect:

Category	Examples	Collected
A. 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.	YES
B. 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. Note: Some personal information included in this category overlap with other categories.	YES

C. Protected classifications 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).	YES
D. Commercial information	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	NO
E. Biometric information	Physiological, behavioral, and biological characteristics, including DNA, that is or intended to be used either alone or in combination with other identifying data to establish individual identity, and includes other identifying information, such as, imagery of the iris or retina, fingerprint, face, hand, palm, vein patterns and voice recordings from which an identifier template or a voice print can be extracted, also includes, keystroke or gait patterns or rhythms, and sleep, health, or exercise data that contain identifying information.	NO
F. Internet or other similar network activity	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	NO
G. Geolocation data	Physical location or movements.	NO
H. Sensory data	Audio, electronic, visual, thermal, olfactory, or similar information	NO
I. Professional or employment related information	Current or past job history or performance evaluations.	YES

<p>J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99))</p>	<p>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.</p>	<p>YES</p>
<p>K. Inferences drawn from other personal information</p>	<p>Profile reflecting a person’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.</p>	<p>YES</p>
<p>L. Sensitive Personal Information</p>	<p>Personal information that reveals a person’s: social security, driver’s license, state identification card or passport number, account log-in, financial account, debit card, or credit card number in combination with any required security or access code, password or credentials allowing access to the account; precise geolocation, race or ethnic origin, religious or philosophical beliefs, union membership, contents of a person’s mail, email and text messages unless the business is the intended recipient; genetic data; processing biometric information for the purpose of uniquely identifying a person; information collected and analyzed concerning a person’s health, sex life or sexual orientation. Note: Sensitive personal information does not include information that is “publicly available” as defined in 1798.140(v)(1)(L).</p>	<p>YES</p>

**Business Purposes for Which Your Information Will Be Used**

Please note:

1. We do not and will not sell your personal information.
2. We will not share your personal information with third parties for cross-context behavioral advertising purposes.

We will use and process any personal information we receive to:

- To evaluate your eligibility or suitability for any type of engagement or association with Nova, or your eligibility or suitability for employment, partnership, or any continuation thereof, including but not limited to confirming employment, educational and military histories when applicable, check references and conduct background checks;
- Debug, identify, rectify, or mitigate errors or vulnerabilities in our website, systems, applications, technologies, hardware, software, servers or equipment;
- To evaluate, confirm compliance with, and enforce Nova policies, procedures;
- To audit, improve, develop, modify, or support our websites, products and services, to update and maintain contact, visitor or email lists and for other internal purposes;
- To send invitations, announcements, and information about Nova publications, programs, events, seminars, conferences, events, newsletters, publications, blogs social media feeds or to provide CLE or CE information;
- To administer our personnel policies and to assess risk management issues;
- For possible inclusion in any affirmative action programs including programs for veterans or individuals with disabilities;
- To comply with any legal obligation imposed upon us by law;
- To comply with any legal demands or lawful orders issued in an administrative proceeding, by a tribunal or court of law such as subpoenas, warrants, or other legal process, or to comply with a regulatory obligation imposed by a governmental or regulatory agency or official, which could include meeting various compliance, screening, or recordkeeping requirements, anti-money laundering, financial and credit checks, fraud and crime prevention requirements, and which may require manual or automated checks of your personal information against various databases and lists;
- For any other lawful purpose necessary to further the legitimate interests of Nova;
- To comply with federal, state, or local laws and regulations including but limited to tax, civil rights and ERISA;
- To help maintain the safety, security, and integrity of our websites, products, services, applications, databases, networks, and other technical assets;
- For any purpose related to any of the foregoing.

- If an employment offer is made and you accept the employment offer,
  - To calculate your salary and any withholding for state or federal taxes, social security payments or any benefits offered or required by Nova;
  - To make salary payments, other payments, direct deposits, or necessary calculations;
  - To evaluate and permit your participation in any retirement plan offered by Nova in which you are eligible to participate under the terms of that plan and to administer your participation in and payments made to or from any plan;
  - To evaluate or administer any type of benefits offered by Nova for which you or a family member may be eligible, and to pay and or dispute claims;
  - To communicate with you or a related third party such as our insurer, any benefits or claims administrator or your agent, broker or a claim administrator about the status, developments or the outcome or our legal analysis of any claim or dispute;
  - To respond for requests for proposals (“RFPs”), to highlight your knowledge, background, experience for marketing purposes, for making pitches to clients, to respond to client inquires or questionnaires, or in business development and marketing efforts to attract new clients or business and/or to retain existing clients and business;
  - To track the use of vacation, sick days, disability or leave policies;
  - To notify a person you designate in the event of an emergency;
  - For any purpose related to any of the foregoing.

## **Sources of Personal Information**

We collect personal information directly from you. We may also combine personal information collected from other sources with the personal information you provide to us. For example, we may collect information from:

- Recruiters
- Prior employers (e.g., to confirm employment dates and for references)
- Professional references you provide to us
- Educational institutions

- If an employment offer is made, pre-employment screening services such as background checks including a criminal, driving, and credit check;
- Pre-employment testing including skills testing, aptitude testing and personality testing;
- Credentialing and licensing organizations (such as ARA/ASPPA, Bar associations, or other organizations to which you belong or have belonged or from which you represent you currently hold a license or have held a license);
- Publicly available sources such as your social media profile (e.g., LinkedIn, Twitter and Facebook) or results available through an internet search engine;
- Publicly available or known speeches or writings;
- Other sources as directed by you;
- If you are offered employment and accept employment, we additionally may receive information from third parties as necessary for providing you with benefits and ancillary services.

### Disclosure of Personal Information

We may share your personal information as necessary for the purposes described in this Privacy Notice. For example, we share your personal information with the following parties:

- **Affiliates:** We may share your personal information with our affiliates.
- **Service Providers:** We use service providers to operate, host and facilitate our operations and business (including human resources operations). These include hosting, technology, and communication providers; security and fraud prevention consultants; analytics providers; background and reference check screening services; and hiring process and benefits management and administration tools.
- **Government authorities and law enforcement:** In certain situations, we may be required to disclose Personal Data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.
- **Business transfers:** Your personal information may be transferred to a third party if we undergo a merger, acquisition, bankruptcy, or other transaction in which that third party assumes control of our business (in whole or in part).
- **Professional advisors:** We may share your personal information with our professional advisors.
- **Other:** We may also share your personal information with third parties for purposes of fulfilling our legal obligations under applicable law, regulation, court order or other legal process, such as preventing, detecting, and investigating security incidents and potentially illegal or prohibited activities; protecting the rights, property, or safety of you, us or another party; enforcing any agreements with you; responding to claims; and resolving disputes.

## Data Retention

The length of time we retain information depends on the nature of the information and the context in which it was received. We strive to retain information in accordance with our record retention schedule. For employment related information such as resumes and job applications, for instance, our record retention schedule requires that we retain that information for seven years from the time of submission.

## Your Rights Under the CCPA

The CCPA provides California residents with the rights discussed below. For convenience, and as required by the CCPA, we explain how you can exercise those rights, to the extent they are applicable.

- 1. Right to Request Information.** You have the right to request that we disclose certain information about our collection and use of your personal information during the past twelve (12) months. Specifically, you may request that we disclose:
  - The categories of personal information we collected about you;
  - The categories of sources for the personal information we collected about you;
  - The business purposes for collecting your personal information;
  - The categories of third parties to whom we disclose your personal information;
  - The specific pieces of personal information we collected about you; and
  - If we disclosed your personal information for a business purpose, the categories of personal information received by each category of third party.
- 2. Right to Data Portability.** You have the right to request that we provide copies of the specific pieces of personal information we collected about you. If a verifiable applicant request is made, and subject to any exceptions or limitations under the CCPA, we will take steps to deliver the personal information to you either by mail or electronically. If we provide the information to you electronically, it will be in a portable and readily useable format, to the extent technically feasible. Consistent with the CCPA and our interest in the security of your personal information, we will describe but may not provide copies of certain personal information we may receive from you (e.g., driver's license number, other government-issued identification number, financial account number, health or medical identification number, account password, or security questions or answers) in response to a CCPA request, to the extent any of those items are in our possession.
- 3. Right to Request Deletion.** You have the right to request that we delete personal information we collected from you, subject to any exceptions or limitations under the CCPA.



4. **Right to Correct Inaccurate Information.** If we maintain inaccurate personal information about you, you have the right to request that we correct that inaccurate personal information, taking into account the nature of the personal information and the purposes of the processing of the personal information.
5. **Right to Opt-Out.** Consumers in California have the right to opt-out of (a) the sale of personal information, or (b) the sharing of their personal information for the purposes of cross-context behavioral advertising (as defined in the CCPA). Because Nova does not “sell” or “share” personal information, these rights are not available.

### Exercising Your Rights

To exercise the rights described above, you—or someone authorized to act on your behalf—must submit a verifiable consumer request to us by sending an e-mail to [hr@nova401k.com](mailto:hr@nova401k.com) with the subject line: “CCPA Request” or calling us at (877)-259-7898.

We will only use personal information provided in a verifiable consumer request to verify the requestor’s identity or authority to make the request. 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 or the employee or applicant on whose behalf you are making the request. We may also request that you provide additional information if needed to verify your identity or authority to make the request. To minimize the probability that we will need to contact you for additional information, please make sure your request contains the following information.

- Current employees - Your request must include your name, e-mail address to which you want the response sent, your mailing address as shown in Paylocity, your phone number as shown in Paylocity, and the specific requests you are making. It will be easiest for us to confirm your identity if you send the request from your work email.
- Former employees - Your request must include your name, e-mail address to which you want the response sent, your current phone number, the most recent mailing address you have provided us, the most recent phone number that you had provided us prior to your termination of employment, the name of your supervisor at the time you terminated employment, your date of termination and the specific requests you are making. It will be easiest for us to confirm your identity if you send the request a personal email address which is already in our records.
- Applicants/Non-employees - Your request must include your name, e-mail address to which you want the response sent, your current phone number, the most recent mailing address you have provided us, the most recent phone number that you had provided us, the date that you last applied for employment at Nova, the position you last applied for

and the specific requests you are making. It will be easiest for us to confirm your identity if you send the request a personal email address which is already in our records.

- Authorized agents – If you are contacting us on behalf of an individual, you will need to include the applicable above information and information validating that you are authorized to make the request on behalf of the individual. For a licensed attorney, please include a letter on your letterhead stating that the individual is your client. For non-attorneys, please include one of the following:
  - A power of attorney;
  - A guardianship appointment;
  - A notarized letter signed by the individual specifically indicating that you have the authority to make this request and to receive Nova’s response.

As indicated above, please be aware that the CCPA provides certain limitations and exceptions to the foregoing rights, which may result in us denying, delaying, or limiting our response to your request.

We will not charge any fee for responding to your request. However, you may only make a verifiable consumer request for access or data portability twice within a 12-month period.

Nova will not discriminate against an applicant, current employee or former employee for exercising their rights under the CCPA. For example, employees who make a CCPA request will not be discriminated against in setting compensation and other terms of employment, access to training or in performance ratings. Applicants will not be denied employment because they make a CCPA request.

## Questions

We welcome any questions about our privacy practices and this notice. If you have any questions or concerns regarding this Privacy Notice or the collection of your personal information, please contact: Nova Human Resources, [hr@nova401k.com](mailto:hr@nova401k.com) or (877) 259-7898 .

Personnel with disabilities may access this notice in an alternative format by contacting Nova Human Resources, [hr@nova401k.com](mailto:hr@nova401k.com) or (877) 259-7898.