



# CA Privacy Policy

Effective Date: July 20th, 2024

## Supplemental Privacy Policy For California Residents

Effective: July 20th, 2024

This Supplemental Privacy Policy for California Residents (“Supplemental Privacy Policy”) supplements and is expressly made part of the information contained in New Day Financial, LLC’s (“New Day,” “we,” “us” or “our”) Privacy Policy, available at <https://www.newdayusa.com/privacy>, and applies solely to visitors to our websites, our customers and others who reside in the State of California (“consumers” or “you”). We adopt this Supplemental Privacy Policy to comply with the California Consumer Privacy Act of 2018 as amended (“CCPA”).

### 1. Personal Information We Collect

For the purposes of this Privacy Policy, “Personal Information” means any information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device (“Personal Information”).

Where applicable, we indicate whether and why you must provide us with your Personal Information, as well as the consequences of failing to do so. If you do not provide Personal Information when requested, you may not be able to benefit from the particular service, product or functionality if that information is necessary to provide you with such service, product or functionality or if we are legally required to collect it.

The CCPA describes several categories of Personal Information. The following chart describes those categories and identifies which categories we have collected during the past 12 months.

Category	Examples	Collected?
Identifiers	A real name, alias, postal address, email address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, current or past job history, or other similar identifiers.	YES
Personal information categories listed in the California Consumer Records statute (Cal. Civ. Code § 1798.80(e))	A name, signature, Social Security number, physical characteristics or description, address, telephone number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information. Note: Some personal information included in this category may overlap with other categories.	YES
Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, national origin, citizenship, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), veteran or military status.	YES
Commercial information	Records of personal property, products or services purchased, obtained, or considered, or other purchasing histories or tendencies	YES
Biometric information	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints and voiceprints, iris or retina scans, keystroke, gait or other physical	NO*

Category	Examples	Collected?
	patterns and sleep, health or exercise data.	
Internet or other similar network activity	Browsing history, search history, information on a consumer's interaction with a website, application or advertisement.	YES
Geolocation data	Physical location or movements.	YES
Sensory data	Audio, electronic, visual, thermal, olfactory or similar information.	NO
Professional or employment-related information	Current or past job history or performance evaluations.	YES
Non-public education information (per the Family Education 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.	NO*
Inferences drawn from other personal information	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities and aptitudes.	NO

\* We do collect biometric information and education information for employees and job applicants.

## Categories of Sensitive Personal Information:

Category	Examples	Collected?
Identifiers	Social Security number, driver's license	YES

Category	Examples	Collected?
	number, or passport number	
Personal information categories listed in the California Consumer Records statute (Cal. Civ. Code § 1798.80(e))	Social Security number, driver's license number, or passport number	YES
Protected classification characteristics under California or federal law.	Racial or ethnic origin or sexual orientation	YES
Biometric information	Biometric used to identify an individual. Biometrics include Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints and voiceprints, iris or retina scans, keystroke, gait or other physical patterns and sleep, health, or exercise data.	YES
Geolocation data	Precise physical location	NO
Personal Communications	Personal mail, email, and text message contents when the recipient is not the business accessing it	NO

## Personal Information does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Information from 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), the California Financial Information Privacy Act (FIPA) and the Driver's Privacy Protection Act of 1994.

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## 2. How We Collect Personal Information

New Day obtains the categories of Personal Information listed above as described in our Privacy Policy and from the following categories of sources:

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### ***Information You Provide to Us***

We may receive Personal Information directly from you when you interact with our websites, purchase products, interact with us or otherwise provide us with your Personal Information. We may also provide additional notices when collecting information from you about our collection, use and disclosure of that Personal Information. These notices may supplement or clarify our privacy practices with respect to that Personal Information and may provide you with additional choices about how we use that Personal Information.

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### ***Personal Information Collected from Third Parties***

We may collect your Personal Information from third party business partners such as social media sites, ad networks and analytics providers.

We may also collect your Personal Information from others that refer you to our Service.

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### ***Personal Information Automatically Obtained from Your Interactions with the Sites***

When you use our Sites, our servers automatically record information that your browser sends whenever you visit a website. This information may include your IP address, browser type or the domain from which you are visiting, the

webpages you visit, the search terms you use and any advertisements you interact with.

Like many websites, our Sites also use “cookie” technology to collect additional website usage data and to improve the Sites and our Service. A cookie is a small data file that we transfer to your computer’s hard disk. A session cookie enables certain features of the Sites and is deleted from your computer when you disconnect from or leave the Sites. A persistent cookie remains after you close your browser and may be used by your browser on subsequent visits to our Sites. We may use both session and persistent cookies to better understand how you interact with our Sites, to monitor aggregate usage by our users and web traffic routing on our Sites, and to improve our Sites and Services. You may also be able to configure your computer or mobile device to limit the collection of these “cookies,” but that limitation may also limit our ability to provide all of the services or functionalities of the Sites. For more information about cookies, including how to set your internet browser to reject cookies, please go to [www.allaboutcookies.org](http://www.allaboutcookies.org).

We may also automatically record certain information from your device by using various types of technology, including “clear gifs” or “web beacons.” This automatically collected information may include your IP address or other device address or ID, web browser and/or device type, the web pages or sites that you visit just before or after you visit our Sites, the pages or other content you view or otherwise interact with on our Sites and the dates and times that you visit, access or use our Sites. We may also use these technologies to collect information regarding your interaction with email messages, such as whether you opened, clicked on or forwarded a message, to the extent permitted under applicable law.

We may display third-party content on the Sites, including third-party advertising. Third-party content may use cookies, web beacons or other mechanisms for obtaining data in connection with your viewing of the third-party content on our Sites. Additionally, we may implement third-party buttons, such as Facebook “share” buttons, that may function as web beacons even when you do not interact with the button. Information collected through third-party web beacons and buttons is collected directly by these third parties, not by New Day. Please consult such third party’s data collection, use and disclosure policies for more information.

Our Sites may contain links to other websites. The fact that we link to a website is not an endorsement, authorization or representation of our affiliation with that third party. We do not exercise control over third party websites. These other websites may place their own cookies or other files on your computer or mobile device, collect data or solicit Personal Information from you. Other sites follow different rules regarding the use or disclosure of the Personal Information you

submit to them. We are not responsible for the content, privacy and security practices, and policies of third party sites or services to which links or access are provided through our Sites. We encourage you to read the privacy policies or statements of the other websites you visit.

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### 3. How We Use Personal Information

We may use or disclose the Personal Information we collect about you as described in our [Privacy Policy](#). We may also use or disclose your Personal Information for one or more business purposes:

- To fulfill or meet the reason you provided the information. For example, if you share your name and contact information to ask a question about our products or services, we will use that Personal Information to respond to your inquiry. If you provide your Personal Information to purchase a product or service, we will use that information to process your payment and facilitate delivery. We may also save your Personal Information to facilitate new product orders or process refunds. If you submit a review of our products or your experience with New Day, we may post that submission on our Sites, without identifying you by your full name or address.
- To provide, support, personalize and develop our Sites, products and services.
- To create, maintain, customize and secure your account with us.
- To process your requests, purchases, transactions and payments and prevent transactional fraud.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your experience on our Sites and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our Sites, third party sites and via email or text message (with your consent, where required by law).
- To help maintain the safety, security and integrity of our Sites, products and services, databases and other technology assets and our business.

- For testing, research, analysis and product development, including to develop and improve our Sites, products and services.
- To respond to law enforcement requests and as required by applicable law, court order or governmental regulations
- As described to you when collecting your Personal Information or as otherwise set forth in the CCPA.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of New Day's assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which Personal Information held by New Day about users of our Sites and our customers is among the assets transferred.

New Day will not collect additional categories of Personal Information or use the Personal Information we collected for materially different, unrelated or incompatible purposes without providing you notice.

## 4. How We Share Personal Information

New Day may disclose your Personal Information to third parties as described in our Privacy Policy and for certain other business purposes. 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:

- **Service Providers.** We engage certain trusted service providers, which may include affiliates or subsidiaries, to perform functions and provide services to us, including hosting and maintenance, error monitoring, debugging, performance monitoring, billing, customer relationship, database storage and management and direct marketing campaigns. We may share your Personal Information with these service providers, but only to the extent necessary to perform these functions and provide such services. We also require these third parties to maintain the privacy and security of the Personal Information they process on our behalf.



- **Law Enforcement Agencies.** We cooperate with government and law enforcement officials or private parties to enforce and comply with the law. To the extent permitted under applicable law, we may disclose any information about you to government or law enforcement officials or private parties as we believe is necessary or appropriate to investigate, respond to, and defend against claims, for legal process (including subpoenas), to protect the property and rights of New Day or a third party, to protect New Day against liability, for the safety of the public or any person, to prevent or stop any illegal, unethical, fraudulent, abusive or legally actionable activity, to protect the security or integrity of our Sites and Services and any equipment used to make the Sites and Services available, or to comply with the law.
- **Third Parties Involved in Business Transfers.** New Day may sell, transfer or otherwise share some or all of its assets, including Personal Information, in connection with a merger, acquisition, reorganization, sale of assets or similar transaction, or in the event of insolvency or bankruptcy. You will have the opportunity to opt out of any such transfer if the new entity's planned processing of your information differs materially from that set forth in this Supplemental Privacy Policy or our Privacy Policy.
- **Other Third Parties.** We may share Personal Information with our headquarters and affiliates, and business partners to whom it is reasonably necessary or desirable for us to disclose your Personal Information for the purposes described in our Privacy Policy and this Supplemental Privacy Policy. We may also make certain non-Personal Information available to third parties for various purposes, including our business or marketing purposes or to assist third parties in understanding our customers' and visitors' interest, habits and usage patterns for certain programs, content, services, advertisements, promotions and functionality available through the Sites.

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## 5. Disclosures of Personal Information for a Business Purpose

In the past 12 months, New Day USA has disclosed the following categories of Personal Information for a business purpose:

Category	Disclosed?
Identifiers	YES

<b>Category</b>	<b>Disclosed?</b>
Personal information categories listed in the California Consumer Records statute (Cal. Civ. Code § 1798.80(e))	YES
Protected classification characteristics under California or federal law.	YES
Commercial information	YES
Biometric information	NO
Internet or other similar network activity	YES
Geolocation data.	YES
Sensory data	NO
Professional or employment-related information	YES
Non-public education information (per the Family Education Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99))	NO
Inferences drawn from other personal information.	NO

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## **6. Use and Disclosure of Sensitive Personal Information**

NewDay USA may use and or disclose sensitive personal information as required by law when entering into a financial transaction with you, including to meet Federal reporting requirements.

NewDay USA may use and/or disclose your sensitive personal information for purposes of processing an application for employment at NewDay USA. This information is not shared or sold to any third parties and will only be used in the context it was provided for. However, this information may have to be disclosed to government entities to obtain a license.

## 7. Sales of Personal Information

In the past 12 months, New Day has not sold Personal Information.

## 8. Data Retention

We retain personal data for as long as needed or permitted in light of the purpose(s) for which it was obtained and consistent with applicable law. The criteria used to determine our retention periods include:

- The length of time we have an ongoing relationship with you and provide the Services to you (for example, for as long as you keep using the Services);
- Whether there is a legal obligation to which we are subject (for example, certain laws require us to keep records of your transactions for a certain period of time before we can delete them); or
- Whether retention is advisable in light of our legal position (such as in regard to applicable statutes of limitations, litigation, or regulatory investigations).

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## 9. 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 New Day disclose certain information to you about our collection and use of Personal Information over the past 12 months. Once we receive and confirm your verifiable consumer request (see [How to Exercise Your Rights](#)), we will disclose to you, based on what you request:

- The categories of Personal Information we collected about you.
- The categories of sources for the Personal Information we collected about you.

- Our business and/or commercial purposes for collecting or selling that Personal Information.
- The categories of third parties with whom we shared that Personal Information.
- The specific pieces of Personal Information we collected about you (also known as a data portability request).
- If we sold or disclosed your Personal Information for a business purpose, two separate lists disclosing: (1) sales, identifying the Personal Information categories that each category of recipient purchased; and (2) disclosures for a business purpose, identifying the Personal Information categories that each category of recipient obtained.

### ***Deletion Request Rights***

You have the right to request that New Day 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 *How to Exercise Your 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 providers to:

- Complete the transaction for which we collected the Personal Information, provide a good or service you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you or otherwise perform our contract with you.
- Detect security incidents, protect against malicious, deceptive, fraudulent or illegal activity, or prosecute those responsible for such activities.
- Debug products to identify and repair errors that impair existing intended functionality.
- Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
- Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *et. seq.*).
- Engage in public or peer-reviewed scientific, historical or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.

- Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- Comply with a legal obligation.
- Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

### ***Correction Request Rights***

You have the right to request that New Day correct inaccurate information we maintain about you. Once we receive and confirm your verifiable consumer request (see *How to Exercise Your Rights*), we will review the information requested to be corrected and consider the totality of circumstances relating to the contested information. Consideration of the totality of circumstance includes, but is not limited to:

1. The nature of the personal information (whether it is subjective, objective, sensitive, etc).
2. How NewDay obtained the contested information
3. Documentation relating to the accuracy of the information whether provided by the consumer, by NewDay USA, or another source.

If you submit documentation supporting your claim for the information you are contesting, we will review the document(s) provided. We may also require you to provide documentation if it is necessary to rebut our own documentation that the personal information is accurate. In determining whether supporting documentation is required, we will consider the following:

1. The nature of the personal information at issue (whether it is subjective, objective, sensitive, etc).
2. The nature of the documentation upon which we consider the personal information to be accurate
3. The purpose for which we collect or maintain or use the personal information.
4. Impact on you. For example, if requiring supporting documentation causes a disproportionate amount of time and effort for the you to supply, then we may require less documentation or no documentation.

Any documentation supplied in connection with a request to correct will only be used for purposes of correcting your information and for record keeping obligations (24 months from the date of request closure). Documentation that was collected on you that was not already maintained by us will not be repurposed.

If the request to correct is determined to be valid, we will make the correction to the requested information within our databases. We will also ensure the

information that was corrected remains corrected. If there are third parties who also maintain your information, we will instruct them to make the corrections in their systems. Upon satisfactory completion of the request to correct, we will inform you that your request has been satisfied.

If a request to correct is denied, we will inform you that we will not comply with the request and provide the specific reason(s). Additionally, we will inform you that upon request, we will note both internally and to any person with whom we share your information with that the accuracy of the information is contested.

### ***How to Exercise Your Rights***

To exercise the access, data portability, deletion, and correction rights described above, please submit a verifiable consumer request to us by either:

- Calling us at [888-990-7859](tel:888-990-7859);
- Emailing us at [Privacy@Newdayusa.com](mailto:Privacy@Newdayusa.com); or
- CCPA Rights Request: If you are a California resident and are attempting to submit a request pursuant to the California Consumer Privacy Act, please fill the form and describe your request in the box below.

**First Name \***

**Last Name \***

**Email \***

**Phone number \***

**CCPA Request Details \***

## SUBMIT

Only you, or a person registered with the California Secretary of State that you authorize 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.

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 of that person.
- Describe your request with sufficient detail that allows us to properly understand, evaluate and respond to it.

We cannot respond to your request to exercise your access, data portability and/or deletion rights 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. However, we do consider requests made through your password-protected account sufficiently verified when the request relates to Personal Information associated with that specific account.

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 attempt to respond to a verifiable consumer request within 45 days after we receive it. If we require more time (up to 90 days), we will inform you of the reason and extension period in writing within 45 days after we receive your initial request.

If you have an account with us, we will deliver our written response to that account. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period prior to the date we receive the verifiable consumer request. The response we provide will also provide 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.

### ***Personal Information Sales Opt-Out and Opt-In Rights***

If you are 16 years of age or older, you have the right to direct us not to sell your Personal Information at any time. We do not sell Personal Information of consumers we actually know are less than 16 years of age, unless we receive affirmative authorization from either the consumer who is between 13 and 16 years of age, or the parent or guardian of a consumer who is between 13 and 16 years of age. Consumers who opt-in to Personal Information sales may opt-out of future sales at any time.

If your browser supports it, you can turn on the Global Privacy Control to opt-out of the “sharing” of your personal information under California’s CCPA.

After you opt out of the “sharing” of your personal information, we will no longer “share” your personal information to third parties (except in an aggregated or de-identified manner so it is no longer personal information), but we will continue to share your personal information with our service providers, which process it on our behalf. Exercising your right to opt out of the “sharing” of your personal information does not mean that you will stop seeing ads on our sites.

As an alternative, you may also click the button below to opt-out of all data collection and information sharing.

**Do Not Sell or Share My Personal Information**

### ***Non-Discrimination***

We will not discriminate against you for exercising any of your rights under the CCPA. 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.

### ***Other California Privacy Rights***

California Civil Code Section 1798.83 permits visitors to our site who are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please send an email to us at [Privacy@Newdayusa.com](mailto:Privacy@Newdayusa.com), or you may write to us at: 360 South Rosemary Avenue, Suite 1900, West Palm Beach, FL 33401.

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## **10. Changes to this Supplemental Privacy Policy**

New Day reserves the right to amend this Supplemental Privacy Policy at our discretion at any time. When we make changes to this Supplemental Privacy Policy, we will post the Supplemental Privacy Policy on the Sites and update the Supplemental Privacy Policy's effective date. **Your continued use of the Sites following the posting of changes constitutes your acceptance of such changes.**

We welcome your questions, comments and concerns about privacy. Please email us at [Privacy@Newdayusa.com](mailto:Privacy@Newdayusa.com) with your feedback pertaining to privacy. You also may write to us at:

New Day Financial, LLC  
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