



## SMARTBIZ LOANS PRIVACY POLICY

BillFloat, Inc. dba SmartBiz Loans and [www.smartbizloans.com](http://www.smartbizloans.com) (collectively, “SmartBiz,” “we,” “us,” or “our”) recognizes, respects, and strives to protect the personal privacy rights of all our users, visitors, and customers (“you”). We are committed to providing security and privacy regarding the collection, use, and disclosure of your personal information.

The Privacy Policy explains how we collect, retain, share, and protect your personal information. We ask that you read it carefully.

Here is a summary of what you will learn from this Privacy Policy:

1. Personal Information We Collect
  - 1.1. How we obtain your personal information
  - 1.2. How we may use your personal information
  - 1.3. How we may share your personal information
  - 1.4. Your personal information in the last 12 months
  - 1.5. Sale of personal information
2. Rights for California Residents under the California Consumer Privacy Act of 2018
3. Cookies and Website Trackers
4. Third Party Data Processing
5. Do Not Call Policy
6. Marketing Communications Opt-Out
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### **1. PERSONAL INFORMATION WE COLLECT**

We collect information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with an individual consumer or device (“personal information”).

#### **1.1. How We Obtain Your Personal Information:**

Directly from you.	You enter or provide us with information, whether online or by email, phone, or document upload. For example, your contact information that you provide, an application for a loan, or documents you provide to verify your identity.
Directly and indirectly from you based on activity on our website.	For example, from submissions through our website or website usage details collected automatically.

From vendors or third-parties that interact with us in connection with the services we perform.	For example, companies that work with us to market our products to you, credit reporting agencies from which we check your credit in connection with our products and services, or other vendors that provide data we use in protecting you and our products from fraud and identity theft.
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**1.2. How We Use Your Personal Information:**

We may use or disclose the personal information we collect for one or more of the following business and commercial purposes:

1. Performing services on behalf of us or by our service provider, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, providing advertising or marketing services, providing analytic services, or providing similar services on behalf of us or by our service providers. This includes:
  - a. To fulfill or meet the reason for which the information is provided.
  - b. To provide you with information, products, or services that you request from us.
  - c. To provide you with email alerts and other notices concerning our products or services, or events or news, that may be of interest to you.
  - d. To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collections.
2. Undertaking internal research for technological development and demonstration.
3. Debugging to identify and repair errors that impair existing intended functionality.
4. Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity.
5. Auditing related to a current interaction with the consumer and concurrent transactions, including, but not limited to, counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance with this specification and other standards.
6. Short-term, transient use, provided the personal information that is not disclosed to another third party and is not used to build a profile about a consumer or otherwise alter an individual consumer’s experience outside the current interaction, including, but not limited to, the contextual customization of ads shown as part of the same interaction.
7. Undertaking activities to verify or maintain the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by us, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by us.

We 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.

**1.3. Who We Share Your Personal Information with for a Business or Commercial Purpose:**

We may disclose your personal information to a service provider for a business or commercial purpose. When we disclose personal information for a business or commercial purpose, we enter a contract that describes the purpose and requires the service provider to both keep that personal information confidential and not use it for any purpose except performing the contract. Examples of who we share with include:

- Our affiliates and lending partners.

- Service providers.
- Third parties to whom you or your agents authorize us to disclose your personal information in connection with products or services we provide to you.

**1.4. Within the last 12 months we collected the categories of personal information listed below and shared it as follows:**

CATEGORY	EXAMPLES	COLLECTED (Yes/No)	SOURCES OF COLLECTED PERSONAL INFORMATION	BUSINESS OR COMMERCIAL PURPOSE FOR SHARING (Section 1.3 #1-7, above)	CATEGORY OF THIRD PARTIES
<b>A. Identifiers.</b>	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	You, Your activity on our site, or from vendors and third-parties	#1, #2, #3, #4, #5	Our lending partners, service providers and third-parties
<b>B. Personal information</b>	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,	YES	You, Your activity on our site, or from vendors and third-parties	#1, #2, #3, #4, #5	Our lending partners, service providers and third-parties

	medical information, or health insurance information. Some personal information included in this category may overlap with other categories.				
<b>C. Protected classification characteristics under California or federal law.</b>	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	You, Your activity on our site, or from vendors and third-parties	#1, #3, #5	Our lending partners, service providers and third-parties
<b>D. Commercial information.</b>	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES	You, Your activity on our site, or from vendors and third-parties	#1, #2, #5, #6	Our lending partners, service providers and third-parties
<b>E. Biometric information.</b>	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a	NO	N/A	N/A	N/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.				
<b>F. Internet or other similar network activity.</b>	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES	Your activity on our site or vendors and third-parties	#1, #2, #3, #4, #5, #6, #7	Our lending partners, service providers and third-parties
<b>G. Geolocation data.</b>	Physical location or movements.	NO	N/A	N/A	N/A
<b>H. Sensory data.</b>	Audio, electronic, visual, thermal, olfactory, or similar information.	YES	You	#1	
<b>I. Professional or employment-related information.</b>	Current or past job history or performance evaluations.	YES	You, Your activity on our site, or from vendors and third-parties	#1, #2, #3, #5	Our lending partners, service providers and third-parties
<b>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)).</b>	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	NO	N/A	N/A	N/A

	financial information, or student disciplinary records.				
<b>K. Inferences drawn from other personal information.</b>	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	NO	N/A	N/A	N/A

**1.5. Sale of Personal Information:**

We do not and will not sell your personal information. We do not and will not sell the personal information of minors under 16 years of age without affirmative authorization.

**2. YOUR RIGHTS UNDER THE CALIFORNIA CONSUMER PRIVACY ACT OF 2018**

Section 2 of this Privacy Policy applies solely to visitors, users, customers, and others who reside in the State of California (“consumers”). In addition to the disclosures provided in Sections 1, 3, and 4, we adopt Section 2 of this Privacy Policy to comply with the California Consumer Privacy Act of 2018 (“CCPA”) and other California privacy laws. Any terms defined in the CCPA have the same meaning when used in this policy.

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.

**2.1. For purposes of the CCPA, personal information does not include:**

- Publicly available information from government records
- De-identified or aggregated consumer information
- Information excluded from the CCPA, 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

**2.2. Right to Know 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 for access, 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 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 identifying the personal information categories that each category of recipient obtained.

We may deny your request for access if we are unable to verify your identity or have reason to believe that the request is fraudulent. We may also deny your request if the personal information is subject to an exemption under Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA), California Financial Information Privacy Act (FIPA), or the Driver's Privacy Protection Act of 1994 (DPPA).

### **2.3. Right to Delete:**

You have the right to request that we delete any of your personal information that we collected and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, we will delete, de-identify, or aggregate (and direct our service providers to do the same) your personal information from our records, unless an exception or exemption applies.

We may deny your deletion request if retaining the personal information is necessary for us or our service providers to:

- Complete the transaction for which the personal information was collected, provide a good or service requested by the consumer, or reasonably anticipated within the context of a business's ongoing business relationship with the consumer, or otherwise perform a contract between the business and the consumer.
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity.
- Debug to identify and repair errors that impair existing intended functionality.
- Exercise free speech, ensure the right of another consumer to exercise his or her right of free speech, or exercise another right provided for by law.
- Comply with the California Electronic Communications Privacy Act pursuant to Chapter 3.6 (commencing with Section 1546) of Title 12 of Part 2 of the Penal Code.
- 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 businesses' deletion of the information is likely to render impossible or seriously impair the achievement of such research, if the consumer has provided informed consent.
- To enable solely internal uses that are reasonably aligned with the expectations of the consumer based on the consumer's relationship with the business.
- Comply with a legal obligation.
- Otherwise use the consumer's personal information, internally, in a lawful manner that is compatible with the context in which the consumer provided the information.
- The personal information is subject to an exemption under Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA), California Financial Information Privacy Act (FIPA), or the Driver's Privacy Protection Act of 1994 (DPPA).

Additionally, we may deny your request to delete if we are unable to verify your identity or have reason to believe that the request is fraudulent.

#### **2.4. Right to Opt-Out:**

You have the right to opt-out of the sale of your personal information. However, we do not and will not sell your personal information. We do not and will not sell the Personal Information of minors under 16 years of age without affirmative authorization.

#### **2.5. Right to 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.

#### **2.6. Exercising Right to Know, Data Portability, and Right to Delete:**

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

Calling us at: 844-797-7075

Contacting: [privacy@smartbizloans.com](mailto:privacy@smartbizloans.com)

Only 1) you, 2) a person authorized by you to act on your behalf, or 3) an entity registered with the California Secretary of State and authorized by you 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 (aka Right to Know) 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. Given the sensitivity of your personal information that we collect and retain, we will need to verify your identity with at least 3 separate pieces of information such as name, address, account number, date of birth, last 4 of your Social Security Number, phone number, etc. If you are submitting a data portability request, you will be required to submit a declaration under the penalty of perjury stating that you are requesting information on behalf of yourself.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

#### **2.7. Authorized Agents:**

Before we can respond to a verifiable consumer request submitted by an authorized agent, we need to confirm not only that person or entity's authority to act on behalf of a consumer and verify the identity of the authorized agent. If you are authorized to submit a request on behalf of a California resident, please email us at [privacy@smartbizloans.com](mailto:privacy@smartbizloans.com) and provide the following information:

1. To verify your authorization to request on behalf of a California resident, please attach a copy of one or more of the following to your request email:
  - California Secretary of State authorization,



- written permission from the California resident, or
  - power of attorney
2. To verify your identity, please attach copies of the following to your request email:
- Valid Government Issued ID (not expired) **AND**
  - a utility bill, bank statement, or similar documentation to verify your name and address (account numbers can be redacted)
3. To verify the identity of the consumer for whom you are submitting the request, please attach **two or more** of the following with your request email (three or more are required when requesting a copy of the consumer's personal information):
- Valid Government Issued ID (not expired),
  - utility bill,
  - bank statement,
  - email address,
  - last 4 of the SSN or
  - last 4 of the account number

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. We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

#### **2.8. Response Timing and Delivery Method:**

We will acknowledge receipt of the request within 10 days of its receipt. We will respond to a verifiable consumer request within 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. 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 provide the responsive information in a portable and, to the extent technically feasible, in a readily useable format that allows you to transmit the information to another entity without hindrance. We will deliver our written response by mail or electronically, at your option.

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.

### **3. COOKIES AND WEBSITE TRACKERS**

Network advertisers that we partner with may use data collected on this site to customize ads to you on other web sites as you browse the web. Some of these ads are targeted to your interests and preferences based on your browsing history, which is stored in a cookie on your computer. Your browsing history on our site may be tracked in these cookies even if ads are not being displayed. These cookies do not contain your name or other personal information about you. For more information, or to opt out of this type of information collection, please visit:  
[http://www.networkadvertising.org/managing/opt\\_out.asp](http://www.networkadvertising.org/managing/opt_out.asp).

### **3.1. What is a cookie?**

A cookie is a small text file that a website saves on your device when you visit our website. Cookies are then sent back to the originating website on each subsequent visit, or to another website that recognizes that cookie, to develop a record of your online activity. Cookies on our website may be delivered in a first party (set by the website) or third party (set by another website) context and may also be set in association with emails you receive from us.

Cookies help us enhance your experience when using our website. They also help us understand how people use our site, such as which pages are most popular, so that we can better serve you.

### **3.2. Cookies used on our website**

#### **3.2.1. Essential cookies**

These cookies are essential for enabling your use of our website and providing access to features such as your profile, account information, and other secure areas of our website. These cookies do not gather information about you that could be used for marketing purposes and do not remember where you have been on the Internet. This category of cookies cannot be disabled.

#### **3.2.2. Analytics cookies**

We use cookies from service providers to collect information about how visitors use our website. These cookies collect aggregated information to give us insight into how our website is being used. We anonymize IP addresses in these services, and the anonymized data is transmitted and stored by the service providers.

To view an overview of the privacy of your Google Analytics cookies please go here: <https://support.google.com/analytics/answer/6004245>.

You may install a Google Analytics Opt-Out Browser Add-On by going here: <https://tools.google.com/dlpage/gaoptout>.

To view an overview of the privacy of your Heap Analytics cookies please go here: <https://heap.io/privacy>.

#### **3.2.3. Third party website cookies**

Third party cookies are cookies set by someone other than us for purposes such as collecting information on your behavior, demographics, or personalized marketing. When using our website, you may encounter embedded content or you may be directed to other websites. The other websites and embedded content may use their own cookies. We do not have control over the placement of cookies by other websites, even if you are directed to them from our Site.

### **3.3. How to control and delete cookies**

Many of the cookies on our website can be enabled or disabled through your browser. To disable cookies through your browser, follow the instructions usually located within the "Help," "Tools," or "Edit" menus in your browser. Please note that disabling a cookie or category of cookies does not delete the cookie from your browser unless manually completed through your browser function.

## **4. THIRD PARTY DATA PROCESSING**

SmartBiz is committed to fully complying with the laws and regulations, such as the Fair Credit Reporting Act, The Right to Financial Privacy Act, and the California Financial Information Privacy Act (Chapter 241,

Statutes of 2003) which became law on July 1, 2004 as “Division 1.2” of the Financial Code (sections 4050 et seq.) that have been established to protect the confidentiality of customer information. For individual principal shareholders, officers, and directors, if we obtain and use information from a third party, other than the government, such as a consumer report, we will notify you. If you consent to have SmartBiz request your financial data directly from your financial institution, we may work with a third party, such as Plaid, to access and collect such data on our behalf. By providing your information to the third party, you acknowledge and agree that information accessed, collected, or transmitted by the third party for this purpose will be governed by the privacy policy of the third party. Plaid’s privacy policy is available at <https://plaid.com/legal>. You are entitled to request credit reporting agencies to remove your name from lists supplied to us. All of our operations and data processing systems are in a secure environment that protects your account from being accessed by third parties. You may elect to provide us with personal information through the use of mail. We continue to monitor and review the privacy measures that we have in place to protect customer information. These measures are updated as practices change and new technology becomes available.

#### **5. DO NOT CALL POLICY**

This Privacy Policy constitutes the Company’s Do Not Call Policy under the Telephone Consumer Protection Act for all consumers. SmartBiz maintains an internal Do Not Call preference list. Do Not Call requests will be honored within 30 days and will be effective for at least five years from the date of request. No telemarketing calls will be made to residential or cellular phone numbers that appear on the SmartBiz Do Not Call list.

#### **6. MARKETING COMMUNICATIONS OPT-OUT**

Marketing Communications Opt Out. You can choose to no longer receive e-mail marketing communications from us and you may express your choice where indicated on the applicable email or click [here](#) to opt out. To opt out of direct mail send your request with your name, business name and address to: SmartBiz Loans, PO Box 26387, San Francisco, CA 94126-26387. Please note, however, that such requests will only remove you from our list and the list of any non-affiliate performing services on our behalf. We are not responsible for the use any other party may make of the information once it has been transferred in accordance with this Privacy Policy and you will need to contact such entity to have your information removed from their database.

#### **7. NEVADA RESIDENTS DISCLOSURE**

We are providing you this notice pursuant to state law. You may be placed on our internal Do Not Call List by following the directions in the “Marketing Communications Opt-Out” Section 6. For more information contact us at [support@smartbizloans.com](mailto:support@smartbizloans.com), or SmartBiz Loans at [support@billfloat.com](mailto:support@billfloat.com). Or contact the Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; 702-486-3132; [BCPINFO@ag.state.nv.us](mailto:BCPINFO@ag.state.nv.us).

#### **8. VERMONT RESIDENTS DISCLOSURE**

Except as permitted by law, we will not share information we collect about you with non-affiliates or affiliates unless we have first requested your permission and you authorize us to do so.

#### **9. CHANGES TO OUR PRIVACY POLICY**

We reserve the right to amend this Privacy Policy at our discretion and at any time. When we make changes to this Privacy Policy, we will notify you by email or through a notice on our website homepage.

#### **10. HOW TO CONTACT US**

If you have any questions or comments about this policy, the ways in which we collect and use your personal information, your rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Privacy Support Phone:	844-797-7075
Privacy Support E-Mail:	privacy@smartbizloans.com
Website:	www.smartbizloans.com
Postal Address:	SmartBiz Loans Attn: SmartBiz Privacy 433 California Street Suite 900 San Francisco, CA 94104

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