

Encoura California Privacy Notice

Effective Date: January 1, 2020 (Updated January 1, 2021)

This notice reflects our good faith understanding of the law and our data practices as of the date posted (set forth above), but the CCPA's implementing regulations recently became final and there remain differing interpretations of the law. Accordingly, we may from time-to-time update information in this and other notices regarding our data practices and your rights, modify our methods for responding to your requests, and/or supplement our response to your requests, as we continue to develop our compliance program to reflect the evolution of the law and our understanding of how it relates to our data practices.

This California Privacy Notice (“**Notice**”) applies to “Consumers” as defined by the California Consumer Privacy Act (“**CCPA**”) as a supplement to the National Research Center for College & University Admissions LLC d/b/a Encoura (“**Company**,” “**us**,” “**we**,” or “**our**”) other privacy policies or notices. In the event of a conflict between any other Company policy, statement or notice and this Notice, this Notice will prevail as to California Consumers and their rights under the CCPA. Please see also any general privacy policy or notice posted or referenced on our websites, apps, products, or services including, without limitation, www.encoura.org, or as otherwise relates to our products or services.

Sections 1 and 2 of this Notice cover our collection, use, disclosure, and sale of California Consumers’ “Personal Information” (“**PI**”) as defined by the CCPA, except to the extent such PI is exempt from the notice obligations of the CCPA, for the twelve months preceding the Effective Date (i.e., calendar year 2020). This Notice also covers rights California Consumers have under the CCPA, as well other notices to Californians required by other laws.

Consistent with the CCPA, job applicants, current and former employees and independent contractors (“**Personnel**”), and subjects of certain business-to-business communications acting solely in their capacity as representatives of

another business, are not considered “Consumers” for purposes of this California Privacy Notice or the rights described herein. However, our Personnel may obtain a separate privacy notice that is applicable to them by contacting our Human Resources.

Publicly available information is not treated as PI under the CCPA, so this notice is not intended to apply to that data and your Consumer privacy rights do not apply to that data.

To aid in readability, in some places we have abbreviated or summarized CCPA terms or language, but a full copy of the CCPA is available for your review, and in some places in this Notice we cite to specific CCPA sections for your reference. Terms defined in the CCPA that are used in this Notice shall have the same meaning as in the CCPA.

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1. PI We Collect

Based on our data practices, we are giving you notice that we collect the following types of PI about California Consumers, and use and share it as set forth below. This notice reflects our practices during calendar year 2020. This notice will be updated annually, and our current privacy notices at the point of collection as well as our general privacy policies may reflect more current practices.

| Category of PI | Examples of PI |
|---|---|
| Identifiers (as defined in CCPA §1798.140(o)(1) (A)) | This may include, but is not limited to: a real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, or other similar identifiers. |
| Personal Records (as defined in CCPA §1798.140(o)(1) (B)) | This may include, but is not limited to: a real name, alias, or postal address. |
| Personal Characteristics or Traits (as defined in CCPA §1798.140(o)(1) (C)) | This may include, but is not limited to: gender identity or ethnicity. |
| Internet Usage Information (as defined in CCPA §1798.140(o)(1) (F)) | This may include, but is not limited to: browsing history, search history, or information regarding your interaction with an Internet website. |

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| <p>Geolocation Data (as defined in CCPA §1798.140(o)(1) (G))</p> | <p>This may include, but is not limited to: precise physical location.</p> |
| <p>Professional or Employment Information (as defined in CCPA §1798.140(o)(1) (I))</p> | <p>This may include, but is not limited to: professional, educational, or employment-related information.</p> |
| <p>Non-public Education Records (as defined in CCPA §1798.140(o)(1) (J))</p> | <p>This may include but is not limited to: graduation date or dropped date.</p> |
| <p>Inferences from PI Collected (as defined in CCPA §1798.140(o)(1) (K))</p> | <p>This may include, but is not limited to: creating a profile about a Consumer reflecting the Consumer’s preferences, characteristics, attitudes, or abilities.</p> |

The chart above reflects the categories of PI required by the CCPA. There may be additional information that we collect that meets the CCPA’s definition of PI but is not reflected by a category, in which case we will treat it as PI as required by the CCPA, but will not include it when we are required to describe our practices by category of PI.

As permitted by applicable law, we do not treat deidentified data or aggregate consumer information as PI and we reserve the right to convert, or permit others to convert, your PI into deidentified data or aggregate consumer information, and may elect not to treat publicly available information as PI. We have no obligation to re-identify information or keep it longer than we need it to respond to your requests.

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A. Sources of PI

We may collect your PI directly from you or from customers, service providers, vendors and suppliers, our Affiliates, advertising networks, or other individuals and businesses such as schools, colleges, and other providers of Education-related Products and Services, third parties that provide us with additional data we can append to existing student profiles, as well as public sources of data such as government databases; provided, however, that we only collect PI for Consumers with which we, our Affiliates, or the providers of Education-related Products or Services that we work with, have a direct relationship (e.g., students that take our Affiliates' voluntary educational and professional interest surveys).

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B. Use of PI

Generally, we collect, retain, use, and share your PI to provide you services and as otherwise related to the operation of our business. For more detail on our disclosures and sale of PI, see the next section [Sharing of PI](#).

We may collect, use and share the PI we collect for one or more of the following business purposes:

- Processing Interactions and Transactions;
- Managing Interactions and Transactions;
- Performing Services;
- Research and Development;
- Quality Assurance;
- Security; and
- Debugging;

Additional business purposes include sharing PI with third parties for other than a sale or one of the foregoing business purposes as required or permitted by applicable law, such as to our vendors that perform services for us, to the government or private parties to comply with law or legal process, and to the consumer or other parties at the consumer's request, and for the additional purposes explained in our [Privacy Policy](#), and to assignees as part of a merger or asset sale ("Other Business Purposes").

Subject to restrictions and obligations of the CCPA, our vendors may also use your PI for some or all of the above listed business purposes. Our vendors may themselves engage services providers or subcontractors to enable them

to perform services for us, which sub-processing is, for purposes of certainty, an additional Other Business Purpose for which we are providing you notice.

We may collect and use your PI for commercial purposes such as in a manner that is deemed a sale under the CCPA.

Our primary purpose is to help colleges, universities, and other providers of Education-related Products and Services (defined below) connect with students that participate in our Affiliates programs, such as voluntary educational and occupational interests and opportunities surveys, so that students can receive information and resources directly from them. "Education-related Products and Services" means from colleges and universities, as well as other education-related products and services such as:

- Financial planning, student loans, and scholarships;
- Enrichment opportunities such as travel programs, camps, extra-curricular activities and conferences;
- Curriculum materials, books, Internet based educational programs, educational magazines providing low-cost literary products;
- Academic assistance, remedial help, and preparation for college-entrance examinations;
- Recognition for high levels of performance;
- Participation in community service;
- Learning about civic responsibilities; and
- Employment, career options, and the military.

For more information on how to exercise your do not sell rights see the Do Not Sell subsection of the California Privacy Rights section of this Privacy Notice at [Section 3.B](#).

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2. Sharing of PI

We may share PI with our service providers, other vendors, Affiliates, and/or third parties. In calendar year 2020, our sharing of PI was as follows:

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| Category of PI | Categories of Recipients |
|--|---|
| <p>Identifiers</p> | <p>Business Purpose Disclosure:</p> <ul style="list-style-type: none"> • Affiliates • External Marketing and Advertising Agencies • Public Authorities/Government Bodies • Service Providers <p>Sale:</p> <ul style="list-style-type: none"> • Third Parties or Affiliates for to enable colleges, universities and other providers of Education-related Products and Services to connect directly with students; Third-Party Cookies. |
| <p>Personal Records</p> | <p>Business Purpose Disclosure:</p> <ul style="list-style-type: none"> • Affiliates • External Marketing and Advertising Agencies • Public Authorities/Government Bodies • Service Providers <p>Sale:</p> <ul style="list-style-type: none"> • Third Parties or Affiliates for to enable colleges, universities and other providers of Education-related Products and Services to connect directly with students. |
| <p>Personal Characteristics or Traits</p> | <p>Business Purpose Disclosure:</p> <ul style="list-style-type: none"> • Affiliates • Service Providers <p>Sale:</p> <ul style="list-style-type: none"> • Third Parties or Affiliates for to enable colleges, universities and other providers of Education-related Products and Services to connect directly with students. |

| | |
|--|---|
| <p>Internet Usage Information</p> | <p>Business Purpose Disclosure:</p> <ul style="list-style-type: none"> • Service Providers <p>Sale: Third-Party Cookies.</p> |
| <p>Geolocation Data</p> | <p>Business Purpose Disclosure:</p> <ul style="list-style-type: none"> • Service Providers <p>Sale: Not sold.</p> |
| <p>Professional or Employment Information</p> | <p>Business Purpose Disclosure:</p> <ul style="list-style-type: none"> • Affiliates • Service Providers <p>Sale:</p> <ul style="list-style-type: none"> • Third Parties or Affiliates for to enable colleges, universities and other providers of Education-related Products and Services to connect directly with students. |
| <p>Non-public Education Records</p> | <p>Business Purpose Disclosure:</p> <ul style="list-style-type: none"> • Affiliates • Service Providers <p>Sale:</p> <ul style="list-style-type: none"> • To the extent permissible by applicable law, to Third Parties or Affiliates for to enable colleges, universities and other providers of Education-related Products and Services to connect directly with students. |

While we don't believe that in 2020 we "sold" PI in the traditional sense, it can be characterized as such under the CCPA's expansive definition of "sale," as more fully explained in [Section 3.B](#) below. Accordingly, we can be seen to have sold Consumer PI as set forth above. We have included Third-Party cookies for transparency purposes, even though it is not yet clear if data practices associated

with Third-Party cookies are a sale. [See Section 3.B](#) below for more on Third-Party cookies.

For more information on how to exercise your do not sell rights, see the Do Not Sell subsection of the California Privacy Rights section of this Privacy Notice at [Section 3.B](#) below.

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3. California Privacy Rights

There are still differing interpretations of the CCPA and the recent regulations that implement it. Accordingly, we may, from time-to-time, update information in our notices regarding our data practices and your rights, modify our methods for you to make and for us to respond to your requests, and/or supplement our response(s) to your requests, as we continue to develop our compliance program to reflect the evolution of the law and our understanding of how it relates to our data practices.

We provide California Consumers the privacy rights described in this section. You have the right to exercise these rights via an authorized agent who meets the agency requirements of the CCPA and related regulations. As permitted by the CCPA, any request you submit to us is subject to an identification process (“Verifiable Consumer Request”). We will not fulfill your CCPA request unless you have provided sufficient information for us to reasonably verify you are the Consumer about whom we collected PI. Please follow the instructions at our Consumer Rights Request page [here](#) and respond to any follow up inquiries we may make.

Some PI we maintain about Consumers is not sufficiently associated with enough PI about the Consumer for us to be able to verify that it is a particular Consumer’s PI when a Consumer request that requires verification pursuant to the CCPA’s verification standards is made (e.g., clickstream data tied only to a pseudonymous browser ID). As required by the CCPA we do not include that PI in response to those requests. If we cannot comply with a request, we will explain the reasons in our response. You are not required to create a password-protected account with us to make a Verifiable Consumer Request, but you may use your password-protected account to do so. We will use PI provided in a Verifiable Consumer Request only to verify your identity or authority to make the request and to track and document request responses, unless you also gave it to us for another purpose.

We will make commercially reasonable efforts to identify Consumer PI that we collect, process, store, disclose and otherwise use and to respond to your California Consumer privacy rights requests. In some cases, particularly with voluminous

and/or typically irrelevant data, we may suggest that you receive the most recent or a summary of your PI and give you the opportunity to elect whether you want the rest or not. We reserve the right to direct you to where you may access and copy responsive PI yourself. We will typically not charge a fee to fully respond to your requests; provided, however, that we may charge a reasonable fee, or refuse to act upon a request, if your request is excessive, repetitive, unfounded or overly burdensome. If we determine that the request warrants a fee, or that we may refuse it, we will give you notice explaining why we made that decision. You will be provided a cost estimate and the opportunity to accept such fees before we will charge you for responding to your request.

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Your California Consumer privacy rights are as follows:

A. The Right to Know

i. Categories

You have the right to send us a request, no more than twice in a twelve-month period, for any of the following for the period that is twelve months prior to the request date:

- a. The categories of PI we have collected about you.**
- b. The categories of sources from which we collected your PI.**
- c. The business or commercial purposes for our collecting or selling your PI.**
- d. The categories of third parties to whom we have shared your PI.**
- e. A list of the categories of PI disclosed for a business purpose in the prior 12 months and, for each, the categories of recipients, or that no disclosure occurred.**
- f. A list of the categories of PI sold about you in the prior 12 months and, for each, the categories of recipients, or that no sale occurred.**

To make a request, follow the instructions at our Consumer Rights Request page [here](#) or call us at 1-877-360-0833.

In order for us to look into your request, we first need to verify your identity, meaning that we need to make sure that you are the consumer

we may have collected personal information about or a person who has been duly authorized to make the request on behalf of the consumer. We may verify a consumer's request to know categories of PI to a reasonable degree of certainty, which may include matching at least two data points provided by the consumer with data points maintained by us, which we have determined to be reliable for the purpose of verifying the consumer. If you fail to do so we may be unable to verify you sufficiently to honor your request. The information you send for us to verify your identity will be used for this purpose only.

For your specific pieces of information, as required by the CCPA, we will apply the heightened verification standards set forth in subsection (ii) below. Please note that PI is retained by us for various time periods, so we may not be able to fully respond to what might be relevant going back 12 months prior to the request.

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ii. Specific Pieces

You have the right to make or obtain a transportable copy, no more than twice in a twelve-month period, of your PI that we have collected in the period that is 12 months prior to the request date and are maintaining. To make a request, follow the instructions at our Consumer Rights Request page [here](#) or call us at 1-877-360-0833.

In order for us to look into your request, we first need to verify your identity, meaning that we need to make sure that you are the consumer we may have collected personal information about or a person who has been duly authorized to make the request on behalf of the consumer. We may verify a consumer's request to know specific pieces of PI to a reasonably high degree of certainty, which may include matching at least three data points provided by the consumer with data points maintained by us, which we have determined to be reliable for the purpose of verifying the consumer. If you fail to provide the data points we may be unable to verify you sufficiently to honor your request. The information you send for us to verify your identity will be used for this purpose only.

Please note that PI is retained by us for various time periods, so we may not be able to fully respond to what might be relevant going back 12 months prior to the request.

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B. Do Not Sell

Although we do not think we sell Consumer PI in the traditional sense, because we disclose PI of our Affiliates' voluntary program participants, under a restricted use license, to colleges, universities and other providers of Education-related Products and Services to directly contact them, as more fully explained above, doing so is a "sale" under the CCPA's expansive definition of sale.

We sold PI of Consumers under the age of 16 in 2020 to help providers of Education-related Products and Services directly connect with students. Commencing January 1, 2020, we apply the CCPA's opt-in requirements before selling PI of California Consumers, which will include regulatory requirements regarding how to obtain such opt-in commencing the effective date of such regulations, or we will not knowingly sell PI of California Consumers under the age of 16. However, we may sell PI of a California Consumer that we Collected before they turned 16 once they have turned 16. If you are a California Consumer 16 years of age or older, you have the right to direct us to not sell your PI.

You may exercise your "do not sell" rights by using our California Consumer Rights Portal found [here](#) or by calling us at 1-877-360-0833 Please note that exercising your right to opt-out of sale will terminate our ability to continue to provide the PI to providers of Education-related Products and Services to contact you.

There may be cookies and other tracking technologies associated with our online services that may provide data (which may be treated as PI under the CCPA) to other parties that may use it for their own purposes; these other parties may, in turn, provide that data to still other parties for their own purposes. While there is not yet a consensus, we do not believe that data practices of third-party cookies and tracking devices associated with our online services constitute a sale of PI by us; provided, however, if we have not obtained a commitment from Third Parties who associate cookies with our online properties that they will restrict the collection, use, or disclosure of PI collected via our online services to performing services for us or as otherwise permitted by a Service Provider under the CCPA, we provide the option to opt-out of such collection and use of your PI if you exercise cookie preferences in the cookie preference center available on our online services where such activities occur.

For our Encoura website, click [here](#) to access cookie preferences, and toggle off the “Non-necessary Category.” Note that you will need to do this in addition to making a “do not sell” request through our California Consumer Rights Portal. In addition, you can exercise control over browser-based cookies by adjusting the settings on your browser, and mobile devices may offer ad and data limitation choices. In addition, third-party tools may enable you to search for and opt-out of some of these trackers, such as the Ghostery browser plug-in available at <https://www.ghostery.com/>. For more information on cookies and your choices regarding them, including how to opt-out of certain interest-based advertising, see our online Privacy Policy. You can also learn more about how to exercise certain choices regarding cookies and interest-based advertising at <http://www.aboutads.info/choices/>, <http://www.aboutads.info/appchoices>, and <http://www.networkadvertising.org/choices/>.

For easy access, here are links on how to manage cookies from some of the more popular browsers:

- [Google Chrome](#)
- [Firefox](#)
- [Internet Explorer](#)
- [Edge](#)
- [Safari](#)

We do not represent that these third-party tools, programs, or statements are complete or accurate. Clearing cookies or changing settings may affect your choices and you may have to opt-out separately via each browser and other device you use. Cookie-enabled opt-outs signals may no longer be effective if you delete, block or clear cookies. We are not responsible for the completeness, accuracy or effectiveness of any third-party notices or choices.

We may disclose your PI for the following purposes, which are not a sale: (1) if you direct us to share PI; (2) to comply with your requests under the CCPA; (3) as part of a merger or asset sale; and (4) as otherwise required or permitted by applicable law.

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C. Delete

Except to the extent we have a basis for retention under CCPPA, you may request that we delete your PI that we have collected directly from you and are

maintaining. Our retention rights include, without limitation, to complete transactions and service you have requested or that are reasonably anticipated, for security purposes, for legitimate internal business purposes, including maintaining business records, to comply with law, to exercise or defend legal claims, and to cooperate with law enforcement. Note also that we are not required to delete your PI that we did not collect directly from you.

To make a request, follow the instructions at our Consumer Rights Request page [here](#) or call us at 1-877-360-0833. Please note that exercising your deletion right will terminate our ability to continue to provide the PI to providers of Education-related Products and Services.

In order for us to look into your request, we first need to verify your identity, meaning that we need to make sure that you are the consumer we may have collected personal information about or a person who has been duly authorized to make the request on behalf of the consumer. We are required to verify a consumer's request to delete to a reasonable degree of certainty, which may include matching at least two data points provided by the consumer with data points maintained by us, or to a reasonably high degree of certainty, which may include matching at least three data points provided by the consumer with data points maintained by us, depending on the sensitivity of the PI and the risk of harm to the consumer posted by unauthorized deletion. If you fail to provide the data points we will be unable to verify you sufficiently to honor your request. The information you send for us to verify your identity will be used for this purpose only.

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D. Non-Discrimination and Financial Incentive Programs

California residents also have the right not to receive discriminatory treatment for the exercise of any of the privacy rights conferred by the CCPA. As of the Effective Date of this California Notice, we did not offer any programs requiring you to limit any of your CCPA rights, or otherwise require you to limit your CCPA rights in connection with charging a different price or rate, or offering a different level or quality of good or service. If we do so, the CCPA requires certain program terms and notices for California Consumers describing the material aspects of any such program and the rights of California participants. Participating in any such programs will be entirely optional. We may add or change programs and/or their terms by posting notice on the program descriptions, so be sure to check them regularly.

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E. Authorized Agents

If a Consumer chooses to submit a request through an authorized agent, we require the authorized agent to submit a request through our California Consumer Rights Portal [here](#). We may ask the authorized agent to provide a signed permission by the Consumer and to verify their own identity. We may directly confirm with the Consumer that they provided the authorized agent permission to submit the request. We are entitled to reject any request submitted through a power of attorney if the attorney-in-fact cannot reasonably verify the validity of the power of attorney. If the authorized agent is not authorized by a power of attorney, we require an agent that is an entity be registered with the Secretary of State to conduct business in California. We are entitled to verify the legitimacy of an agency appointment, such as through a representation under the penalty of perjury with two verified witnesses. We are entitled to require a natural person acting on behalf of an entity agent to attest under penalty of perjury with two verified witnesses that (1) they are authorized to act on behalf of the entity and the consumer; (2) they are who they claim to be; and (3) everything they have submitted is valid and accurate. We are entitled to require the same of an individual acting as an agent, except for the qualification that they be registered with the Secretary of State to do business in California.

In the absence of any of the general conditions detailed above, we are entitled to reject any request submitted through an agent. In addition, the agent is subject to the verification standards applicable to the type of request(s) made.

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F. Limitation of Rights

Notwithstanding anything to the contrary, we may collect, use and disclose your PI as required or permitted by applicable law and this may override your CCPA rights. In addition, we need not honor any of your requests to the extent that doing so would infringe upon our or any other person or party's rights or conflict with applicable law.

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4. Additional California Notes

In addition to CCPA rights, certain Californians are entitled to certain other notices, including:

A. Third-Party Marketing and Your California Privacy Rights

Separate from your CCPA “Do Not Sell” rights, you have the following additional rights regarding disclosure of your information to third parties for their own direct marketing purposes:

We provide California residents with the option to opt-in or opt-out to sharing of “personal information” as defined by California’s “Shine the Light” law with third parties, other than with our affiliates, for such third-parties’ own direct marketing purposes. California residents may exercise that opt-out, and/or request information about our compliance with the Shine the Light law, and obtain a disclosure of third parties we have shared information with in accordance with the law for their direct marketing purposes absent your choice (i.e., Company Parties/Affiliates) and the categories of information shared, by contacting us [here](#) or by sending a letter to us at Encoura, 701 Brazos Street, Austin, TX 78701 (Attention: Privacy Coordinator / Legal Compliance). Requests must include “California Privacy Rights Request” in the first line of the description and include your name, street address, city, state, and ZIP code. Please note that we are only required to respond to one request per customer each year, and we are not required to respond to requests made by means other than through the provided e-mail address or mail address.

As these rights and your CCPA rights are not the same and exist under different laws, you must exercise your rights under each law separately.

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B. Online Privacy Practices

For more information on our online practices and your California rights specific to our online services see our online [Privacy Policy](#). Without limitation, Californians that visit our online services and seek or acquire goods, services, money or credit for personal, family or household purposes are entitled to the following notices of their rights:

i. Tracking and Targeting

When you visit our online services, we and third parties may use tracking technologies to collect usage information based on your device for a variety of purposes, including serving you advertising, based on your having visited our services or your activities across time and third-party locations. Some browsers may enable you to turn on or off a so-called “Do Not Track” signal. Because there is no industry consensus on what these signals should mean and how they should operate, we do not look for or respond to “Do Not Track” signals. For more information on tracking

and targeting and your choices regarding these practices, see our online [Privacy Policy](#).

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ii. California Minors

Any California residents under the age of eighteen (18) who have registered to use our online services, and who posted content or information on the service, can request removal by contacting us [here](#) detailing where the content or information is posted and attesting that you posted it. We will then make reasonably good faith efforts to remove the post from prospective public view or anonymize it, so the minor cannot be individually identified to the extent required by applicable law. This removal process cannot ensure complete or comprehensive removal. For instance, third parties may have republished or archived content by search engines and others that we do not control.

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5. Contact Us

To exercise your California privacy rights, call us at 1-877-360-0833 or email us [here](#). You may also use our California Consumer Rights Portal found [here](#). Or, write to us at: Encoura, 701 Brazos Street 5th Floor, Austin, TX 78701. Requests must include “California Privacy Rights Request” in the first line of the description and include your name, street address, city, state, and ZIP code.

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