



## California Privacy Notice

## Introduction

EM Topco Limited and all its subsidiaries (“Element” or “the Group”) are committed to complying with the California Consumer Privacy Act of 2018, as amended by the California Privacy Rights Act of 2020, (collectively the “CCPA”). Element’s head office is at 3rd Floor Davidson Building, 5 Southampton Street, London, United Kingdom, WC2E 7HA. In this notice, references to “we”, “us” or “our” are references to Element.

This California Privacy Notice (“California Notice”) supplements our [Global Privacy Notice](#) and applies only to personal information we collect, use and process about Californian residents who engage with our websites, purchase products from us or use our services. Under the CCPA, California residents may have certain data privacy rights, such as the right to be notified about what personal information categories we collect, and our intended use and purpose for collecting such personal information. You can learn more about the CCPA here: <https://oag.ca.gov/privacy/ccpa>

## Who is Collecting Data?

The Group comprises of multiple legal entities acting as separate data controllers, responsible for processing personal information in connection with our business. Please see our [‘Element Legal Entities Processing Personal Information’](#) PDF for further details on the companies within the group processing personal information.

## What Personal Information we may collect

We may collect and process your personal information in connection with our products or services at the start of, and for the duration of, your relationship with us and beyond. We will limit the collection and processing of your personal information to information necessary to achieve one or more legitimate purposes, as identified in this notice.

We will only process sensitive personal information where we’ve obtained your explicit consent or are otherwise lawfully permitted to do so. Where you have provided consent for us to process your sensitive personal information, you can withdraw that consent at any time by contacting us.

We may collect the following categories of personal information about you:

Personal Information Category	Personal Information Collected
Identity information	First name, middle name, last name, alias, username or similar identifier, marital status, title, date of birth, gender, state or national identification number (such as a driver license, national insurance number or social security number), passport number, internet protocol (IP) address, signature
Sensitive information	Racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, health data, sex life or sexual orientation, Social Security number, driver’s license or state ID number, passport number
Demographic information	Age, gender, race, nationality, ethnicity, ethnic origin, citizenship, marital status, income, education, religion, citizenship, physical or mental disability, veteran or military status

Contact information	Home, delivery, or billing address (including street address, city, state, town, postal code / zip code), telephone numbers, email address
Contractual information	Personal information (as outlined in the other categories) collected as part of the products and services we provide to you
Commercial information	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies
Financial information	Bank account, payment card details, invoice amounts, payment amount, outstanding balances
Internet or another similar network activity information	Internet Protocol (IP) address, smart device information, location coordinates, site visits, browsing history, search history, information on an individual's interaction with our websites, time zone setting and location, browser plug-in types and versions, operating system and platform, other unique personal identifier, online identifier, account name, other technology on the devices you use to access our websites and comments or other content you send to us over the internet
Information that we gather through cookies or similar tracking tools when you use our websites	Browser cookies, advertising cookies, targeting cookies, web beacon, pixel tag, mobile ad identifier, or similar technologies may also be used to track your responses to adverts, messages or forms, which helps us to ensure we present you with the most relevant content in the future. When running email campaigns, we may track delivery and monitor when emails are opened. For example, when you open the email a small image file may be downloaded to your web browser or email programme. You can restrict or block this type of technology through your web browser or email programme settings by preventing automatic downloading. Cookies may also be set if you click on a link within the email
Geolocation Data	Physical location or movements
Sensory Data	Audio, electronic, visual, thermal, olfactory, call recordings, passport copies, identification document copies, CCTV images or similar information
Professional or employment related information	Education, current employment, employment history
Inferences drawn from other personal information	Profile reflecting a person's household, individuals associated with your account(s), information regarding your relationship with these individuals, or information about your business relations with us

### Criminal offence data

We may collect and process information about criminal convictions where such processing is necessary to act in accordance with regulatory or other legal obligations or where the processing is necessary to protect the interests of our customers or the public.

## How we collect your Personal Information

We collect your personal information in a variety of ways, such as:

- **Through interactions with you** when you enquired about or purchased products or services from us, requested information or assistance from us, registered to attend or attended one of our events, used our website or client portal or applied for a job with us
- **Through activity on our website** such as submissions from you via our website or website usage details collected automatically
- **Through interactions with our clients** due to your role in your organisation
- **Through interactions with third parties** such as industry, trade or regulatory bodies
- **From third party service providers** acting on our behalf in connection with the products and services we provide
- **From publicly available sources** including social media (LinkedIn, Facebook, Twitter), your organisation's website, the press, the electoral register, company registers and online search engines
- **From automated technologies or interactions that collect technical data about your equipment, browsing actions and patterns** such as cookies, server logs or other similar technologies

## Purpose of processing

We may use the personal information we collect for various purposes such as:

- To fulfil our **contractual obligations** to perform the service requested or provide a product
- For our **legitimate interests** as a commercial organisation
- To comply with a **legal obligation** which may require us to process personal information
- You have provided your **consent** to the processing

A more detailed description of our purposes for processing your personal information can be found in our **Global Privacy Notice** in the “purpose of processing” section.

## How we share your Personal Information

To help us provide our products and services and to run our website we may share personal information when necessary for us to lawfully carry out our business activities. We may share personal information with the following categories of third parties:

- **Other group companies** where it is necessary to do so, and where we have a legal basis to share the information
- **Our third-party service providers and advisors** with whom we have contracted to perform services on our behalf and who process personal information on our behalf to provide our services or run internal business operations including email distribution, IT services, business support and customer services
- **Independent debt recovery agencies, service providers, solicitors, or other agents** in the event of non-payment for products or services and where a debt remains outstanding after a specified timeframe for payment, no payment plan is in place or an agreed payment plan is not being adhered to, we may initiate formal proceedings to recover the full amount of the unpaid debt. We may share personal information with litigation and recovery specialists to undertake recovery action through the courts
- **Law enforcement authorities, regulatory bodies or government agencies** as in some circumstances we are legally obliged to share personal information with law enforcement bodies, for example to comply with a court order or legal obligation. We will satisfy ourselves that we have a lawful basis on which to share the information and document our decision making
- **With a successor entity** in the event of a merger, acquisition or similar transaction

## No Sale of Personal Information

We do not sell any personal information.

## Retention Policy

We will retain personal information for as long as necessary to fulfil the purpose for which it was originally collected, such as providing our products or services, or as required by applicable laws or regulations. Our retention periods are driven by legislation and / or business need. If there is no legally defined retention period for personal information, we will determine an appropriate retention period. We will take reasonable steps to destroy the personal information we hold if it is no longer needed. Retention may extend beyond the termination of our relationship with you.

## How we transfer your Personal Information

We operate globally and we may transfer your personal information between Element group companies to help us operate our business efficiently and to provide you with our products and services. Third party service providers may process your personal information in connection with a service, they provide to us. When we share your personal information between Element group companies or with third parties, they may be located outside of the jurisdiction in which your personal information was collected. This means personal information collected in one jurisdiction may be transferred, stored, and processed outside the country of origin and where privacy laws differ. We only make these arrangements or transfers where we are satisfied that adequate levels of protection are in place to protect your personal information. For these transfers, we have the relevant legal safeguards in place to ensure adequate protection, or in certain circumstances we may rely on one of the exceptions to the rules that allows us to perform these transfers.

## CCPA Rights

California residents have the following privacy rights under the CCPA:

- **Right to know** what personal information we process about you including: what personal information processed, the categories of personal information being processed, the categories of sources from which the personal information was collected, the purpose for processing the personal information and the categories of third parties who the personal information is disclosed to
- **Right to access** categories and specific pieces of personal information that we collect, use, and disclose about you. This right can be actioned up to two times each year
- **Right to request deletion** of personal information that we process about you, subject to applicable legal exceptions
- **Right to opt out of the sale** of your personal information to third parties. Note: Element does not sell personal information to third parties
- Where specifically required, we will provide specific pieces of personal information we have collected about you in a structure, commonly used or in machine-readable format, and to have it transmitted directly to another person or entity (**data portability**).
- **Right to correct** inaccurate or outdated personal information about you
- **Right to limit use or disclosure of sensitive personal information** about you
- **Right against automated decision making** about you based solely on an automated process without human input
- **Private right of action** to seek civil damages from a business for violations of a statute
- **Right not to receive discriminatory treatment** for actioning a CCPA right

## How to exercise your rights

You or your authorized agent may submit a rights request to us by email at [privacy@element.com](mailto:privacy@element.com). Please ensure your email is marked 'CCPA rights request'.

Before completing your request, we may need to verify your identity and the identity of your authorized agent, if applicable. If we are unable to verify your identity through reasonable means and with the information you provide, we may ask follow-up questions. An authorized agent must have your signed permission to submit a request on your behalf or provide proof that they have power of attorney in accordance with California probate law. Authorized agents that are business entities must be registered with the California Secretary of State to conduct business in California. We may contact you directly to confirm you've given your permission and/or to verify your identity, before completing requests from authorized agents.

## How to complain

In the United States the Federal Trade Commission (FTC) has authority to enforce privacy laws and take actions to protect consumers. You can report fraud, scams, and bad business practice on the federal government's website at <https://reportfraud.ftc.gov/>. Many US states also have their own data privacy and security laws, and state attorney general offices are responsible for overseeing these laws. State attorney general office contact details can be found at <https://www.usa.gov/state-attorney-general>.

## Contact us

If you would like to speak to us about data protection you can do so by email or phone using the details below:

Email: [privacy@element.com](mailto:privacy@element.com)

Toll free number: 1-866-843-1820.



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[www.element.com](http://www.element.com)