



Privacy Notice for California Resident Authorized Legal Representatives of ABLÉ Program or Other Savings Program Participants

[Introduction](#)

The purpose of this Notice (“California Privacy Notice for Authorized Legal Representatives”) is to provide individuals who reside in California who serve as representatives of individuals enrolled in an Achieving a Better Life Experience (“ABLE”) program or participants in any of our other savings products with information regarding our collection and use of their personal information (as defined below) in accordance with the California Consumer Privacy Act of 2018 as amended (the “CCPA”). This notice is intended to apply to personal information about you that we collect through our enrollment process as well as other sources as described below. The CCPA may not be applicable to every individual receiving this notice. For example, the CCPA contains certain exceptions, including an exception for personal information that is collected, processed, sold, or disclosed subject to the federal Gramm Leach Bliley Act (“GLBA”) and implementing regulations, and so the privacy rights set out in this notice may not apply to you or all of your personal information.

[Personal Information](#)

By “personal information” we mean information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular individual natural person who is a California resident, which includes “personal information” and “sensitive personal information” as such terms are defined in the CCPA. This includes information about individuals connected with you as a program participant, who act on your behalf, or who you represent as an authorized person (for example, beneficial owners, authorized legal representatives, authorized signatories, trustees, consultants, intermediaries, or agents).

[Personal Information We May Collect From or About You](#)

- i. Identifiers such as your name, residential and/or business address, mailing address, email address, business contact information, driver's license, tax identification number, social security (or national insurance or similar) number, passport number, and other government identification information and/or numbers.
- ii. Categories of personal information listed in the California Customer Records statute (Cal. Civ. Code 1798.80(e)) that may include social security number, physical characteristics or description, address, telephone number, passport number, driver's license, or state identification card number.
- iii. Commercial information, including records of products or services purchased, obtained or considered, or other purchasing or consuming histories or tendencies by you or individuals for whom you act as an agent or authorized legal representative.
- iv. Geolocation data, such as your residential and/or business address, or mailing address.
- v. Professional or employment-related information, such as your job title or employer.
- vi. Inferences drawn from this information.
- vii. Sensitive personal information, such as your social security, driver's license, state identification card, or passport number.

"Publicly available information" that is lawfully obtained, truthful information that is a matter of public concern, "de-identified" data, and "aggregate" California resident information (as those terms are used in the CCPA) are not personal information for purposes of the CCPA. This California Privacy Notice does not apply to such information.

[Sources From Which We May Obtain Your Personal Information](#)

We collect personal information about you from the following sources:

- i. You, the individual(s) you represent or the employer(s) of those individuals, your employer's, and/or other authorized person's correspondence, interactions, and transactions with us, or our affiliates, delegates, or others, including through account applications, court orders of your appointment, and other forms; from other written, electronic or verbal correspondence;

and/or from a program participant's financial advisory firm, financial professional, attorney, or consultant.

- ii. Information we receive from our service providers, custodian, transfer agent, or other sources we may engage in connection with conducting due diligence, know-your-customer, anti-money laundering, and other checks required to be performed in relation to admitting new participants or customers to open an account with us.
- iii. Information from government and other public databases.

How We May Use Your Personal Information

We may collect, store, and use your personal information for the following purposes:

- i. To deliver the information, products, and services you or your employer requested from us.
- ii. To reach out to you about and market or promote new information to you, the individual(s) you represent or their employer.
- iii. To communicate with you or the individual(s) you represent.
- iv. To carry out our obligations and enforce our rights and obligations under a contract with you, the individual(s) you represent or their your employer or to take steps at your request prior to entering into such a contract (e.g., to process an account application, reflect the ownership of any relevant accounts, provide information you have requested, create and administer the relevant accounts, maintain registers and communicate with you about the savings program in which the individual(s) you represent participate).
- v. In any other way we describe when you provide the information, or otherwise at your direction or with consent from you or the individual(s) you represent.
- vi. As permitted by law or as we may notify you.
- vii. Where it is necessary for the establishment, exercise, or defense of legal claims.

How We May Disclose Your Personal Information

We may disclose personal information to our affiliates and certain unaffiliated entities (including but not limited to the employer of the individual(s) you represent) in order to carry out and implement any and all purposes described above including:

- i. To our service providers, affiliates, and delegates, including the advisers and transfer agent, that may act as service providers (the "Service Providers"), which may use personal information, for example, to provide their services to us, prepare and mail prospectuses, reports, account statements and other information.
- ii. To entities that help market products relating to any savings program and enter into joint marketing arrangements with them and other companies. These companies may have access to the account information of the individual(s) you represent.
- iii. To the financial advisory firm and/or financial professional or consultant associated to the savings program in which the individual(s) you represent are enrolled.
- iv. To cooperate with regulators or law enforcement authorities, including in response to an inquiry or investigation from a regulator such as the California Attorney General or California Privacy Protection Agency, to protect the programs' rights and property, or upon reasonable request by any fund in which the individual(s) you represent has invested.
- v. As authorized by you, the employer of the individual(s) you represent, or designated representatives of you, that employer, or other authorized persons.
- vi. With our affiliates in connection with servicing accounts, and subject to applicable law you may be provided with information about products and services that the savings program, or their advisers, distributors or their affiliates ("Service Affiliates") believe may be of interest to you or the individual(s) you represent. The information disclosed may include, for example, an individual's participation in the funds or in other investment programs sponsored by a Service Affiliate, information about the program's experiences or transactions with the individual, or other data about the accounts of the individual(s) you represent, subject to applicable law.
- vii. As required by law, regulation, or self-regulatory requirement, including to comply with a subpoena or similar legal process, including when we believe in good faith that disclosure is legally required.
- viii. As necessary for the establishment, exercise or defense of legal claims, or where otherwise necessary to protect our rights and property.

We distribute your personal information to such entities in accordance with applicable law, rule and regulation.

Data Retention

We will retain your personal information for as long as necessary to fulfill the purposes for which it was collected and processed, including for the purposes of satisfying any legal, regulatory, accounting or reporting requirements. To determine the appropriate retention period for your personal information, we will consider the amount, nature and sensitivity of the personal information, the potential risk from unauthorized use or disclosure, the purposes for which we process personal information and whether we can achieve those purposes through other means, and applicable legal requirements.

California Privacy Rights

As a California resident, you may have certain rights in relation to your personal information.

Right to Know

You may have the right to know how we have collected, used and disclosed your personal information over the last twelve months. Specifically, you may have the right to know:

- The categories of personal information we have collected about you.
- The categories of sources from which we have collected your personal information.
- The business or commercial purpose for which we collect, sell or share your personal information.
- The categories of third parties to whom we have disclosed your personal information.
- The categories of third parties to with whom we “share” your personal information for purposes of cross-context behavioral advertising, or to whom we sell your personal information.
- The categories of personal information that we have sold or shared about you and the categories of third parties to whom it was sold or shared

- The categories of personal information we have disclosed about you for a business purpose and the categories of persons to whom we have disclosed it

In addition, you may have the right to know the specific pieces of personal information we have collected about you. Subject to certain exceptions and limitations, you may request that we provide this information dating back to January 1, 2023.

[Right to Make a Deletion Request](#)

You may have the right to request that we delete the personal information that we have collected or received about you. Subject to certain exceptions, we must delete your personal information and direct our service provider and contractors to do the same.

[Right to Correct Your Inaccurate Personal Information](#)

You may have the right to request that we correct any inaccurate personal information about you, taking into account the nature of the personal information and the purposes of the processing of the personal information.

[Right to Opt-Out of Sales of your Personal Information](#)

If we were to “sell” your personal information as such term is defined in the CCPA, you would have the right to opt-out of the sale of your personal information. We do not sell your personal information for purposes of the CCPA.

[Right to Opt-Out of Sharing of your Personal Information](#)

If we were to “share” your personal information for purposes of “cross-context behavioral advertising” as such terms are defined in the CCPA, you would have the right to opt-out of the sharing of your personal information. We do not share your personal information for cross-context behavioral advertising for purposes of the CCPA.

[Right to Limit Use of your Sensitive Personal Information](#)

Subject to certain exceptions, you may have the right to limit our use and disclosure of your Sensitive personal information. We do not use or disclose your sensitive personal information in a manner that gives rise to this right.

Right to Non-Discrimination

You have the right not to be discriminated against by us for choosing to exercise your rights under the CCPA.

Minors Under Age 16

We do not have actual knowledge that we sell the personal information of minors under the age of 16, or share it for cross-context behavioral advertising, for purposes of the CCPA.

How to Exercise Your California Privacy Rights

If you wish to exercise the rights noted above, please submit a request to us by contacting us at Legal@vestwell.com or calling us at (917) 979-5358

Information for Authorized Agents

You can authorize a person (“Authorized Agent”) registered with the California Secretary of State to exercise your California privacy rights on your behalf. An Authorized Agent can also include a person who has power of attorney or is acting as a conservator. To submit a request to Vestwell on behalf of another person as an Authorized Agent, please submit a request to us by emailing us at Legal@vestwell.com or calling us at (917) 979-5358.

Verifying Your Requests

We only respond to your requests to know how we have collected, used, and disclosed your personal information, to access the specific pieces of personal information we have about you, or to delete and correct inaccurate personal information when those requests are “verifiable.” We may need to ask you for personal information to verify your request so we can match it to the personal information we already

have about you. We may also need to obtain additional information about you that we do not already have. If you provide us with new personal information that we do not already have about you, we will use it solely to verify your request. We will let you know via email if we need more information from you to verify your request. Please reply to our requests promptly. We will communicate with you about your requests via email. We will use the email address you provided when submitting your request. If we cannot verify your identity, we will let you know.

Responding to Requests

We aim to promptly verify and respond to your requests within 45 days of receipt but may require a total of up to 90 days to respond to your requests. If we require additional time beyond the initial 45 days after we receive your request, we will let you know within the first 45 days. We do not ordinarily charge a fee for our response to your requests. However, we may do so to the extent your request(s) are excessive, repetitive, or manifestly unfounded. If we determine that charging a fee is warranted, we will let you know and will provide you with an estimate of the associated costs of responding to your request(s).

If we determine that we cannot or will not take the action that you requested, we will let you know. We will inform you of our reasons for not taking action and any rights you may have to appeal the decision.

Unless you tell us that you would like to receive a response via postal mail, we will respond to you via email regarding your requests to know and to access the specific pieces of personal information we have about you. We will contact you at the email address you provided when submitting your request(s). If you would like to receive responses to a request to know or access personal information via postal mail rather than email, please let us know when submitting your request(s).

Limitations

The CCPA does not apply in full to all personal information we collect from California residents. Therefore, even if you are a California resident and submit a verifiable request, we may not be required to comply with your request. We are only required to respond to certain requests twice in any twelve-month period. We are not required to provide you access to specific pieces of personal

information more than twice in any twelve-month period. Similarly, we are not required to comply with your “requests to know” more than twice in any twelve-month period.

Changes to this Notice

From time to time, we may update or revise this notice. If there are changes to the terms of this California Privacy Notice, documents containing the revised policy will be updated.

Contacting Us

If you would like further information on the collection or use of your personal information, please submit questions, comments, and requests by contacting us at Legal@vestwell.com