

## **Privacy Policy for Fidelity Payment Services Web Sites and Services**

*(Effective January 1, 2020)*

This Privacy Policy describes the practices of Fidelity Payment Services, and the Fidelity Family of Companies, including Cardknox, HIFI POS, Fraudwatch, and Magnapayment, (together, “**Fidelity**”), with regards to the collection, use, disclosure and sale of the personal information of consumers. The purpose of this Privacy Policy is to provide you, the consumer, with a comprehensive outline of our online and offline practices, and a description of your rights, with regards to such activities. This Privacy Policy also describes the terms and conditions under which our Web sites and services, including payment processing services and payment gateway services, are made available to you.

We recommend that you carefully read this Privacy Policy in its entirety and that you understand it. By visiting our Web sites or using our services, you agree to the terms of this Privacy Policy. If you do not accept the terms of this Privacy Policy, you are directed to discontinue accessing or otherwise using our Web sites, our services, or any materials obtained from them. If you are dissatisfied with our Web sites or our services, then please contact us at [info@fidelitypayment.com](mailto:info@fidelitypayment.com); otherwise, your only recourse is to disconnect from our Web sites or our services and to refrain from visiting our Web sites, or using our services, in the future.

The process of maintaining our Web sites, and our services, is an evolving one, and we may decide at some point in the future, without advance notice (except in cases where advance notice is required by law, in which case we will provide you with advance notice), to modify the terms of this Privacy Policy. Your use of our Web sites, or any materials obtained from our Web sites, or our services, indicates your assent to the Privacy Policy at the time of such use. The effective Privacy Policy will be posted on our Web sites, and on all relevant Fidelity services, and you should check upon every visit for any changes.

### **From Whom Do We Collect Personal Information**

We collect personal information from, primarily, three categories of consumers: Website Users, Merchants, and Cardholders.

A Website User is a consumer who visits any of our Web sites.

A Merchant is an individual or legal entity to whom we provide payment processing services and/or payment gateway services.

A Cardholder is an individual or legal entity who is a customer of a Merchant and who has authorized a payment card transaction by a Merchant. If you are a Cardholder, we usually will not collect personal information directly from you, but, rather, via the Merchant with which your transaction is associated. Your agreement with the Merchant should explain how the Merchant collects, and shares, your personal information.

### **What Types of Personal Information Do We Collect?**

Depending on how you use and access our services, we may collect the following information from you:

- Personal identifiers, including any of the following: your name, postal address, IP address, email address, social security number, driver’s license number or other government-issued

identification number, signature, bank account number, credit card number, debit card number, payment method and other financial information;

- Commercial information, including records of products or services you've purchased from us or our vendors;
- Internet or other electronic network activity information, including: browsing history, search history, and information regarding your interaction with our Internet Web sites.

### **How Do We Collect This Information?**

If you are a Web User, we collect your internet or other electronic network activity information when you access our web sites. We do this through the uses of cookies. For more information on our use of cookies, please see the section below titled [Cookie Notice](#). Additionally, if you are a Web User, we may collect any of your personal identifiers through the use of online forms which you may choose to submit.

If you are a Merchant, we collect your personal identifiers through the use of online forms. You may enter your personal identifiers on such forms and submit them to us. We may also collect such information through the use of paper forms which you may submit to us. We may also collect your commercial information through the use of an internal tracking and/or ticketing system which maintains a record of your transactions with us. We will also collect your personal information if you log in to any of our online merchant portals.

If you are a Cardholder, we collect your personal identifiers when you authorize a transaction at any of our Merchants. Such information will be transmitted to us via whatever payment transaction system the Merchant is using.

### **Why Do We Collect This Information?**

We collect personal identifiers for the following reasons:

- If you are a Web User, to provide you with an enhanced and tailor-made experience when visiting our Web sites and to provide you with appropriate marketing materials, upon your request.
- If you are a Merchant, to set up a payment processing account for your organization; we are required by the payment processing institutions we work with to collect this information.
- If you are a Cardholder, to transmit the details of your transaction to the appropriate Card Association or network (such as Visa, Mastercard, Discover and American Express) so that they may verify and approve your transaction. Such collection is done in accordance with the rules and regulations of the relevant Card Associations.

We collect commercial information for the following reason:

- If you are a Merchant, to maintain a record of your transactions with us so that we may provide you with more efficient and effective service.

We collect Internet and other electronic network information for the following reason:

- If you are a Web User, to provide you with an enhanced and tailor-made experience when visiting our Web sites and to provide you with appropriate marketing materials, upon your request.

## **With Whom Do We Share Your Information?**

We share personal identifiers with the following types of third-parties:

- If you are a Merchant, we share your personal identifiers with the relevant payment processing institutions in order to set up your account.
- If you are a Cardholder, we transmit your personal identifiers to the relevant Card Associations in order to authenticate and approve your transaction, but only to the extent necessary for such authentication and approval.
- If you are a Web User, we do not share your personal identifiers with any third party.

If you are a Merchant, we may share your commercial information with the relevant payment processing institutions in order to complete any order you've requested, or in order to maintain a record of your transactions, as requested by such institutions.

If you are a Web User, we do not share your internet or other electronic network activity information with third-parties, except as noted in our [Cookie Notice](#).

Please note, that under all circumstances, we may share your information with government or law enforcement authorities, if required to do so by law, court order, or government regulation, warrant or subpoena.

## **To Whom Do We Sell Information**

We currently do not sell any consumer's personal information we collect or process, including the personal information of minors under the age of 16. We will not sell your personal information without first notifying you of such a sale and obtaining your consent or providing you with the chance to opt-out of such a sale.

## **Cookie Notice**

Our Web site may use a feature of your browser to set a "cookie" on your computer. Cookies are small packets of information that a Web site's computer stores on your computer. Our Web sites can then read the cookies whenever you visit our sites. We may use cookies in a number of ways, such as to save your login information so you don't have to re-enter it each time you visit our site, to deliver content specific to your interests and to track the pages you've visited. These cookies allow us to use the information we collect to customize web experience so that your visit to our site is as relevant and as valuable to you as possible.

Most browser software can be set up to manage use of cookies. You may modify your browser preference to provide you with choices relating to cookies. You have the choice to accept all cookies, to be notified when a cookie is set or to reject all cookies, except those cookies necessary for the normal operation and functioning of our Web sites. If you choose to reject cookies, certain of the functions and conveniences of our Web sites may not work properly, and you may be unable to use services that require registration in order to participate, or you will have to re-register each time you visit our sites. Most browsers offer instructions on how to reset the browser to reject cookies in the "Help" section of the toolbar. Under all circumstances, we will not link non-personal information from cookies to personally identifiable information without your permission.

## **Our Commitment to You**

Fidelity does not sell, rent or lease any consumer's personal information or lists of contact information to any third-party for marketing purposes, and we take numerous steps to maintain the security of your information. We respect your privacy and we will only collect and process your personal information for legitimate business purposes.

## **Privacy Rights for California Consumers**

### Your Rights

Subject to certain limitations, the California Consumer Privacy Act, or "CCPA", provides certain rights to consumers who are California residents. If you are a California resident (as defined under California law), the CCPA provides you with the following rights:

- *The Right to Know* – You have the right to request that we disclose the categories, and specific pieces, of your personal information we have collected, used, disclosed or sold during the past 12 months.
  - For a list of the categories of information we collect, please see the section titled [What Types of Personal Information Do We Collect?](#) above.
  - For a list of the sources from which we collect such information, please see the section titled [How Do We Collect This Information?](#) above.
  - For more information regarding the business and commercial purposes for such collection, please see the section titled [Why Do We Collect This Information?](#) above.
  - For a list of the categories of third-parties with whom we share this information, please see the section titled [With Whom Do We Share Your Information?](#) above.
  - We will update all of the above lists at least once every 12 months;
- *The Right to Delete* – You have the right to request that we delete any of your personal information we have collected or maintained;
- *The Right to Opt-Out* – You have the right to opt-out of the sale of your personal information. Please note that we currently do not sell any California consumer's personal information and we will not, in the future, sell your personal information without first notifying you in advance of such sale and providing you with the opportunity to opt-out of such sale.
- *The Right to Non-Discrimination* – You have the right not to receive discriminatory treatment by us for your exercise of the privacy rights granted to you by the CCPA.

### How to Exercise Your Rights

If you wish to make a request pursuant to your rights under the CCPA, you may do so through any of the following methods: (1) Call us toll-free at 855-794-7348; (2) Complete and submit an online form by clicking [here](#); or (3) Send us an email at [legal@fidelitypayment.com](mailto:legal@fidelitypayment.com), and reference CCPA in the subject line. You also have the right to appoint an authorized agent to make such a request, and receive a response, on your behalf. You may use any legally-recognized method to appoint an authorized agent, but we will need to verify that the authorized agent has been properly appointed prior to making any response to such authorized agent.

### How We Will Process Your Request

For your security, upon receiving your request, we will attempt to verify your identity using the information you've provided to us in your request and the information we have collected from you. In some instances, we may require additional information, including government-issued identification, prior to responding to your request.

### **Privacy Rights for Citizens of Countries Located Within the European Economic Area (EEA)**

This section contains certain disclosures, including the provision of certain rights for citizens of member countries of the European Union (EU) or countries located within the European Economic Area (EEA), as mandated under the General Data Protection Regulation (GDPR). Although Fidelity does not actively market or sell our services or products in the European Economic Area, we may, in order to continue serving an existing business relationship, collect or transfer personal information of individuals located within the EEA ("Data Subjects"). Personal information that may be collected by us from a Data Subject in the EEA may include: name, postal address, IP address, phone number, email address, government-issued identification number, payment method information (such as credit or debit card number, bank account information, or other financial information), transaction amount, date of transaction, and transaction history with a specific Merchant, Internet browsing history, Internet search history, and other information regarding your interaction with our Internet Web sites.

#### Your Rights

Data Subjects whose personal information is collected in the EEA may withdraw consent at any time where consent is the lawful basis for processing the Data Subject's information. Should you withdraw consent for processing or otherwise object to processing that impedes our ability to comply with applicable regulations, please be advised that you may be unable to fully avail yourself of our services or products.

If you are a Data Subject whose personal information is processed and maintained by Fidelity, you have the right to:

- Ask what information Fidelity holds about you and why;
- Ask for a copy of such information or access to such information;
- Be informed how to correct or keep that information up to date;
- Be informed on how Fidelity is meeting its data protection obligations;
- Ask for a copy of such information to be sent to a third party;
- Ask for data to be deleted, if possible and required under GDPR;
- Ask for processing of personal information to be restricted, if possible and required under GDPR;
- Object to processing of personal information, if possible and required under GDPR;
- Object to automated decision-making, where applicable; and
- Contact a supervisory authority in the EEA to file a complaint regarding Fidelity's processing of your personal data.

#### How We Share Your Personal Information

We do not, nor will we, share any nonpublic personal information with any nonaffiliated third parties, except in the following circumstances:

- As necessary to provide the service that a Data Subject has requested or authorized, or to maintain and service the Data Subject's account;
- As required by regulatory authorities or law enforcement officials who have jurisdiction over us and our affiliates, or as otherwise required by any applicable law; and
- To the extent reasonably necessary to prevent fraud and unauthorized transactions.

Fidelity employees are prohibited, both during and after termination of their employment, from disclosing nonpublic personal information to any person or entity outside Fidelity, including family members, except under the circumstances described above. An employee is permitted to disclose nonpublic personal information only to such other employees who need to have access to such information to deliver our services to the Data Subject.

#### Contact Information

If you are a Data Subject and have questions or concerns regarding the processing of your personal information, you may contact us at: [legal@fidelitypayment.com](mailto:legal@fidelitypayment.com) (reference "GDPR" in the subject line), or write to us at: Fidelity Payment Services, 141 Flushing Avenue, Suite 501, Brooklyn, New York USA. If as a Data Subject, you believe that we have not adequately resolved any such issues, you have the right to contact the Supervisory Authority in your country of residence.

#### **Last Updated**

This Privacy Policy has been last updated on December 31, 2019.