



CALIFORNIA PRIVACY RIGHTS NOTICE

EFFECTIVE: January 1, 2020
LAST UPDATED: December 12, 2022

The California Consumer Privacy Act (“CCPA”) provides eligible California residents with specific rights with respect to our collection and use of personal information. This California Privacy Rights Notice (“CCPA Notice”) supplements the Vibrantz Technologies Inc. (“Vibrantz”) Privacy Notice ([“Vibrantz Privacy Notice”](#)) and applies solely to all visitors, users and others who reside in the State of California (“consumers” or “you”). Any terms not defined in this Notice have the same meaning as defined in the CCPA.

This Notice also applies to workforce-related personal information collected from California-based employees, job applicants, contractors or similar individuals.

Information We Collect

Our Website collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device (“personal information”). Personal information does not include:

- Publicly available information from government records
- Deidentified or aggregated consumer information

In particular, Vibrantz may have collected the following categories of personal information from its consumers within the last twelve (12) months:

Category	Examples	Collected
Identifiers	Legal name, alias and contact information, unique personal identifiers, online identifiers, account name, driver’s license number, passport number, or other similar identifiers. Under the CCPA, “unique identifiers” or “unique personal identifier” means a persistent identifier that can be used to recognize a consumer, a family, or a device that is linked to a consumer or family, over time and across different services, including, but not limited to, a device identifier; an Internet Protocol address; cookies, beacons, pixel tags, mobile ad identifiers, or similar technology; customer number, unique pseudonym, or user alias; telephone numbers, or other forms of persistent or probabilistic identifiers that can be used to identify a particular consumer or device.	Yes
Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80))	A name, signature, Social Security number, 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	Yes



Category	Examples	Collected
	card number, or any other financial information, medical information, or health insurance information.	
Commercial information	Records of products or services purchased, obtained or considered or other purchasing histories.	Yes
Internet or other electronic network activity information	Browsing history, search history, and information regarding interactions with an Internet Web site, application, or advertisement.	Yes
Geolocation data	Physical location or movements.	No
Professional or employment-related information	Current or past job history or performance evaluations. <i>We collect this from prospective employees only.</i>	Yes
Non-public education information (per the Family Education Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99))	Education records directly related to a student maintained by an educational institution or party acting on its behalf (e.g., grades, transcripts, schedules, and student ID numbers). <i>We collect this from prospective employees only.</i>	Yes

Please note that some of the categories of personal information described in the CCPA overlap with each other; for instance, your name is both an Identifier and a type of data described in Cal. Civil Code 1798.80(e).

Personal information does not include publicly available information from government records or any deidentified or aggregated consumer information. In addition, the CCPA excludes the following from its scope: 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; and personal information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FRCA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA), and the Driver's Privacy Protection Act of 1994.

Vibrantz collects this information directly from you when you provide it to us; automatically as you navigate through the Website or from forms you complete or products you purchase; and from third parties (e.g., our business partners, when you register through a third party for a Vibrantz event).

Use of Personal Information

We do not sell your personal information. However, Vibrantz may use or disclose the personal information collected for the following purposes:

- To fulfil or meet the reason you provided the information. For example, if you share your name and contact information to request a price quote or ask a question about our products or services, we will use that personal information to respond to your inquiry. If you provide your personal information to purchase a product, we will use



that information to process your payment and facilitate delivery. Vibrantz may also save your information to facilitate new product orders or process returns.

- To create, maintain, customize and secure your account with us.
- To process your requests, purchases, transactions and payments and prevent transactional fraud.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To provide, support, personalize and develop our Website, products and services.
- To help maintain the safety, security and integrity of our Website, products and services, databases and other technology assets and business.
- To respond to law enforcement requests and as required by applicable law, court order or governmental regulations.
- As described by you when collecting your personal information or as otherwise set forth in the CCPA.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which personal information held by us about our Website users is among the assets transferred.

Vibrantz will not collect additional categories of personal information or use the personal information collected for materially different, unrelated or incompatible purposes without providing you notice.

Sharing Personal Information

Vibrantz may disclose your personal information to third parties for a business purpose. When Vibrantz discloses personal information for a business purpose, we enter into a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract. The CCPA prohibits third parties, who access the personal information Vibrantz holds, from reselling it unless you have received explicit notice from the third-party with an opportunity to opt-out of the sale.

Sale of Personal Information

In the preceding twelve (12) months, Vibrantz has not sold your personal information to any third parties.

Your Rights & Choices

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.

(a) Right to Know and Data Portability

You have the right to request that Vibrantz provides certain information to you about our collection and use of your personal information over the past twelve (12) months (the 'right to know'). Upon the submission of a verifiable consumer request (see Exercising your California Privacy Rights), Vibrantz will disclose to you:

- *The categories of personal information we collected about you;*
- *The categories of sources from which personal information was collected;*



- *Our business or commercial purpose for collecting personal information;*
- *Our business or commercial purpose for disclosing or selling personal information; and*
- *The categories of third parties with whom we shared personal information.*

Vibrantz will also provide the specific pieces of personal information we collected about you (also called a 'data portability' request), subject to certain exceptions under applicable law, if you also request access to such information.

(b) Right to Delete

You have the right to request that Vibrantz delete any of your personal information that we collected or maintain about you, subject to certain exceptions. Once Vibrantz receives and confirms your verifiable consumer request, we will conduct a reasonable search of our records in order to locate any personal information we have collected about you that is eligible for deletion and delete such personal information. To the extent Vibrantz has shared any personal information collected about you with service providers that is eligible for deletion, we will direct those service providers to delete that personal information as well. For the sake of clarity, however, Vibrantz may not be able to comply entirely with your request to delete all of your personal information as set forth under the CCPA. For example, if you placed an order with us, the CCPA allows us to keep records related to these types of transactions in order to complete a transaction for which your personal information was collected. Specifically, Vibrantz is not required to delete any personal information we have collected about you that is necessary for us and our service provider(s) to:

- *Complete the transaction for which the personal information was collected, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, provide a good or service requested by you, reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform a contract between Vibrantz and you.*
- *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 our deletion of the information is likely to render impossible or seriously impair the achievement of such research, if you have provided informed consent.*
- *Enable solely internal uses that are reasonably aligned with your expectations based on your relationship with us.*
- *Comply with a legal obligation, such as retaining records for a period of time as set out in local, state, or federal laws.*
- *Otherwise use your personal information, internally, in a lawful manner that is compatible with the context in which you provided your information.*

Following a deletion request, any personal information about you that was not deleted from our systems will only be used for the purposes provided for by the applicable exceptions. Thus, all personal information about you that is not subject to a deletion exception will either be:



- (1) permanently deleted on our existing systems (with the exception of archived or back-up systems maintained for emergency disaster recovery and business continuity purposes);
- (2) de-identified; or
- (3) aggregated so as to not be personal to you.

(c) Right to Non-Discrimination for the Exercise of a Consumer's Privacy Rights

Vibrantz will not discriminate against you for exercising any of your privacy rights. Unless in compliance with applicable law, 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.

Exercising Your California Privacy Rights

To exercise your CCPA rights described above, please submit a verifiable consumer request to us by either:

- Calling us at 1-833-613-0415; or
- Emailing us at compliance@vibrantz.com.

Only you, or a person registered with the California Secretary of State that you authorize to act on your behalf, may make a verifiable consumer request related to your personal information. Additionally, you may only make a verifiable consumer request for access twice within a 12-month period.

Your verifiable consumer request must:

- provide sufficient proof of your identity; and
- describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Vibrantz 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. Vibrantz will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request. Making a verifiable consumer request does not require you to create an account with us. However, we do consider requests made through your password protected account sufficiently verified when the request relates to personal information associated with that specific account.

Response Timing and Format

Vibrantz will confirm receipt of your request within ten (10) business days. If you do not receive confirmation with this timeframe, please contact us by telephone or email as mentioned above.

Vibrantz will make its best effort to respond to a verifiable consumer request within 45 calendar 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. Vibrantz will maintain records of consumer



requests made pursuant to the CCPA as well as our response to said requests for a period of at least twenty-four (24) months.

If you have an account with us, Vibrantz may require you to take delivery of our written response through that account. If you do not have an account with us, we will deliver our written response electronically, though you may alternatively choose to receive delivery by mail. The response will also explain the reasons Vibrantz cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable should allow you to transmit the information to another entity without hindrance.

Vibrantz does 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.

Your Rights Under "Shine the Light"

In addition to your rights under the CCPA, California Civil Code § 1798.83 permits California residents to request information regarding our disclosure, if any, of their personal information to third parties for their direct marketing purposes. If this applies, you may obtain the categories of personal information shared and the names and addresses of all third parties that received personal information for their direct marketing purposes during the immediately prior calendar year (*e.g.*, requests made in 2022 will receive information about 2021 sharing activities).

To make such a request, please provide sufficient information for us to determine if this applies to you, attest to the fact that you are a California resident and provide a current California address for our response. You may make this request in writing by email or post to one of the options mentioned in our contact information below.

Changes to our Privacy Notice

Vibrantz reserves the right to amend this Notice at our discretion and at any time. When we make changes to this Consumer Rights Notice, we will post the updated Notice on the Website and update the Notice's effective date. **Your continued use of our Website following the posting of changes constitutes your acceptance of such changes.**

Contact information

If you have any questions or comments about this Notice, the ways in which Vibrantz collects and uses your information described here (and in our Privacy Notice), your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: 1-833-613-0415
Email: compliance@vibrantz.com
Postal Address: Vibrantz Technologies Inc.
Attn: Compliance / Legal
15311 Vantage Parkway West, Suite 350
Houston, TX 77032

If you need to access this Notice in an alternative format due to having a disability, please contact us as mentioned above.