

PRIVACY POLICY CONTENTS

Welcome! An overview of the WageWorks Privacy Policy is below. To see the full text, click on the links provided. This Privacy Policy applies to your use of the Services (*e.g.*, website, software, app, or benefit administration) that posts a link to this Privacy Policy, regardless of how you access or use it. [Click here to view our Terms of Use.](#)

This Privacy Policy is posted in interactive format to ease your review, especially using smart phones and other devices with small screens. It is important that you read and understand the entire Privacy Policy before using the Service.

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PRIVACY POLICY

Effective Date: January 1, 2020

Privacy Policy Scope

Welcome! An overview of this WageWorks Privacy Policy is provided below. To see the full text, click on the links. Click to view our [Terms of Use as well as Additional Terms](#).

- **Your Choices and Your CA Privacy Rights** You have certain choices regarding information collection and communications options explained in [Section 11](#), including:
 - California residents have certain privacy rights detailed in [Section 12](#)
 - Although WageWorks does not look for or respond to “do not track” signals, you can find information on tracking technologies in [Section 1.B](#) and certain choice options regarding Tracking Technologies in [Section 11](#)
 - Your options regarding accessing and changing certain of your Personal Information are available in [Section 10](#)
 - Your options regarding promotional communications are explained in [Section 11](#); and
 - Children’s and minors’ privacy rights, and notice to parents of these rights, are explained in [Section 9](#)
- **Collection of Information**
 - WageWorks may ask you to provide Personal Information (*e.g.*, name, address, e-mail, phone number, bank or payment account numbers, etc.), as well as other information (*e.g.*, employer/plan sponsor, program participation information, etc.), which may be required to access certain content, features, and functionality. More in [Section 1.A](#)
 - WageWorks and third parties may collect information from you automatically as you access the Services (*e.g.*, information about the devices you use to access the Services and your usage
- **Use of Information**

The information WageWorks collects is used for a variety of purposes as detailed in this Privacy Policy. For example, your information helps WageWorks provide and improve our services, communicate with you, assist your employer/plan sponsor in administering your benefits plan, provide you the Services you choose, and operate WageWorks’ business. More in [Section 2](#)
- **Sharing of Information**
 - Subject to applicable law, WageWorks may share the information WageWorks receives from or about you via the Services (or give others access to it), including your Personal Information, for a variety of purposes, as detailed in this Privacy Policy. More in [Section 3](#). These include, without limitation:
 - ✦ to deliver and improve WageWorks’ services;
 - ✦ to assist your employer in administering your benefits plan and facilitate your receipt of benefits;
 - ✦ to facilitate your third party requests and

 - communications;
 - ✦ in connection with corporate transactions (*e.g.*, merger or sale);
 - ✦ to display your posts or send your messages (More in [Section 5](#)); and
 - ✦ in connection with your use of third-party services (More in [Section 6](#));
 - However, WageWorks obtains your consent (*e.g.*, opt-in, opt-out), before knowingly sharing Personal Information with third parties for their own direct marketing purposes.
 - WageWorks may share your non-Personal activities). More in [Section 1.B](#)

- Subject to applicable law, this may include use of cookies and other technologies to keep track of your interactions with the Services, to offer you a more personalized and relevant experience. More in [Section 1.B](#)
 - The information WageWorks receives via the Services may be combined with information WageWorks receives from third parties and sources outside of the Services. More in [Section 1.C](#).
 - WageWorks' policies and practices regarding Personal Information collected from children are explained in [Section 9](#) Information, aggregate and/or de-identified information about you except as prohibited by applicable law.
- **Protected Health Information (“PHI”)**
When we receive PHI in the course of performing services for an entity subject to HIPAA (a “covered entity”) or state health information privacy laws, we treat and protect the PHI consistent with our obligations under HIPAA, applicable state health information privacy laws and our contractual obligations to the covered entity (*e.g.*, a group health plan).
 - **Questions and How to Contact Us**
For more information about WageWorks' privacy practices regarding the Services, read the full Privacy Policy. You can also contact WageWorks by sending an email to HOYPrivacy@HealthEquity.com if you have questions or concerns.
 - **Table of Contents**
For a [clickable table of contents](#) that will help you find and navigate to all the sections of the full Privacy Policy.

FULL WAGeworks PRIVACY POLICY

Thank you for visiting an online service (*e.g.*, website, software, or app) that posts a link to this Privacy Policy (the “**Online Services**”) owned or operated by WageWorks, Inc. (“**WageWorks**”). This Privacy Policy will provide you with information as to how WageWorks collects, uses, and shares information about you, including the choices WageWorks offers with respect to that information, and applies to your use of any Online Services, regardless of how you access or use it and your submission of information to us offline in connection with our benefit administration services for employer/plan sponsors (“**Administrative Services**”). Collectively, Online Services and Administrative Services are collectively “**Services**”. For certain Services, there may be additional notices about information practices and choices. Please read those additional privacy disclosures to understand how they apply to you. In addition, any privacy obligations in our services agreements with our customers (*e.g.*, with employer/plan sponsors for program services and in some cases with individual program participants) shall prevail in the event of a conflict with our Services Privacy Policy, including with regard to our Services. Click to view our [Terms of Use and Additional Terms](#).

By visiting or otherwise using the Services, you agree to the Services' [Terms of Use](#) and consent to WageWorks' data collection, use, and disclosure practices, and other activities as described in this Privacy Policy, and any additional privacy statements that may be posted on an applicable part of the Service. If you do not agree and consent, please discontinue use of the Services, and uninstall Online Services downloads and applications.

1. INFORMATION WE COLLECT.

A. Information About You That You Provide.

WageWorks, and/or its Service Providers (defined below), may collect information you provide directly to WageWorks and/or its Service Providers via the Services. For example, WageWorks collects information when you use or register for the Online Services, subscribe to, or access, benefit programs via the Online Services, subscribe to notifications, post on the Online Services, or communicate or transact through the Online Services or submit information in connection with the Administrative Services. In addition, when you interact with Third-Party Services (defined in Section 6 below), you may be able to provide information to those third parties. For more information on Third-Party Services' data collection and practices go to [Section 6](#). For more information on Service Provider data collection and practices go to [Section 3](#).

Information WageWorks, its Service Providers and/or Third-Party Services may collect may include: (1) personally identifiable information, which is information that identifies you personally, such as your first and last name, email address, phone number, address, Social Security number, and full payment or banking account number (“**Personal Information**”); protected health information as defined by the federal HIPAA law or applicable state healthcare primary laws (“**PHI**”); and (3) demographic information, such as your and/or your dependents’ gender, age, zip code, and recent and upcoming transactions (“**Demographic Information**”). To the extent permitted by applicable law, Demographic Information is “**non-Personal Information**” (i.e., data that is not Personal Information or PHI under this Privacy Policy). In addition, Personal Information, including, without limitation, WageWorks-Collected PI (defined below), once “**deidentified**” (i.e., the removal or modification of the personally identifiable elements, or the extraction of non-personally identifiable elements) is also non-Personal Information and may be used and shared without obligation to you, except as prohibited by applicable law (for Client-service PHI (defined in Section 4 below), HIPAA de-identification standards will be applied). To the extent any non-Personal Information is combined by or on behalf of WageWorks with Personal Information WageWorks itself collects directly from you on the Services (“**WageWorks-Collected PI**”), WageWorks will treat the combined data as WageWorks-Collected PI under this Privacy Policy.

B. Information Collected Automatically.

WageWorks, its Service Providers, and/or Third-Party Services may also automatically collect certain information about you when you access or use the Services (“**Usage Information**”). Usage Information may include IP address, device identifier, browser type, operating system, information about your use of the Services, and data regarding network connected hardware (e.g., computer or mobile device). Except to the extent required by applicable law (e.g., in some circumstances under HIPAA and state laws regarding PHI), or to the extent Usage Information is combined by or on behalf of WageWorks with WageWorks-Collected PI, WageWorks does not consider Usage Information (including, without limitation, unique device identifiers) to be Personal Information or WageWorks-Collected PI. For more information on Third-Party Services’ data collection and practices go to [Section 6](#). For more information on Service Provider data collection and practices go to [Section 3](#). For information on choices some these third parties may offer you regarding automated data collection go to [Section 11](#).

The methods that may be used on the Services to collect Usage Information include:

- **Log Information:** Log information is data about your use of the Services, such as IP address, browser type, Internet service provider, referring/exit pages, operating system, date/time stamps, and related data, and may be stored in log files.
- **Information Collected by Cookies and Other Tracking Technologies:** [Cookies](#), [web beacons](#) (also known as “tracking pixels”), [embedded scripts](#), [in-app tracking methods](#) and other tracking technologies now and hereafter developed (“**Tracking Technologies**”) may be used to collect information about interactions with the Services or e-mails, including information about your browsing and purchasing behavior.

Cookies

A cookie is a small text file that is stored on a user’s device, which may be session ID cookies or tracking cookies. Session cookies make it easier for you to navigate the Services and expire when you close your browser. Tracking cookies remain longer and help in understanding how you use the Services, and enhance your user experience. Cookies may remain on your hard drive for an extended period of time. If you use your browser’s method of blocking or removing cookies, some but not all types of cookies may be deleted and/or blocked and as a result some features and functionalities of the Services may not work.

A Flash cookie (or locally shared object) is a data file which may be placed on a device via the Adobe Flash plug-in that may be built-in to or downloaded by you to your device. HTML5 cookies can be programmed through HTML5 local storage. Flash cookies and HTML5 cookies are locally stored on your device other than in the browser and browser settings won’t control them. To identify certain types of local shared objects on your device and adjust your settings, please visit:

www.macromedia.com/support/documentation/en/flashplayer/help/settings_manager.html. The Services may associate some or all of these types of cookies with your devices.

Web Beacons (“Tracking Pixels”)

Web beacons are small graphic images, also known as “Internet tags” or “clear gifs,” embedded in web pages and e-mail messages. Web beacons may be used, without limitation, to count the number of visitors to the Services, to monitor how users navigate the Services, and to count content views.

Embedded Scripts

An embedded script is programming code designed to collect information about your interactions with the Services. It is temporarily downloaded onto your computer from WageWorks’ web server, or from a third party with which WageWorks works, and is active only while you are connected to the Services, and deleted or deactivated thereafter.

In-App Tracking Methods

There are a variety of Tracking Technologies that may be included in mobile applications, and these are not browser-based like cookies and cannot be controlled by browser settings.

WageWorks is giving you notice of the Tracking Technologies and your choices regarding them explained in [Section 11](#) so that your consent to encountering them is meaningfully informed.

C. Information WageWorks Collects From Other Sources.

WageWorks may also obtain information about you from other sources, including our employer/plan sponsors and benefit provider clients (“Clients”), Service Providers and Third-Party Services, and combine that with WageWorks Collected PI. Notwithstanding anything to the contrary, except (i) for Personal Information and Client-service PHI, and (ii) to the extent such data is combined by or on behalf of WageWorks with WageWorks-Collected PI, this Privacy Policy is not intended to limit WageWorks’ activities regarding such third-party-sourced, or non-Services-sourced information (including Personal Information), and such data will only be treated as WageWorks-Collected PI to the extent it is combined with WageWorks-Collected PI. WageWorks is not responsible or liable for the accuracy of the information provided by third parties or for third party policies or practices.

2. HOW WE USE THE INFORMATION WE OBTAIN.

WageWorks may use information about you, including WageWorks-Collected PI and other Personal Information, for any purposes not inconsistent with WageWorks’ statements under this Privacy Policy, or otherwise made at the point of collection, and not prohibited by applicable law, including, without limitation, the following:

- Facilitate, manage, personalize, and improve your online experience;
- Allow you to participate in the features and service offerings we make available on or via the Services;
- Assist your employer/plan sponsor in administering your benefits (*e.g.*, produce debit card, produce and send statements and other communications, remit payments to clients, fulfill transit passes, pay or reimburse claims, adjudicate transactions, make deposits and determine and report eligibility);
- Process your registration, manage your account and/or upload your User Generated Content (“UGC”). (For more information on how UGC is treated under the Services’ Terms of Use in [Section 2](#). For more on the public nature of UGC, see [Section 5](#));

- Transact with you, provide services or information you request, respond to your comments, questions and requests, serve you content, and send you notices;
- Our marketing (as permitted by applicable law) and other purposes;
- Improve the Services, and our other services, and for any other internal business purposes;
- Tailor our content and offers (as permitted by applicable law);
- Fulfill other purposes disclosed at the time you provide Personal Information or Client-service PHI, or otherwise where we are legally permitted to do so and doing so is not inconsistent with an express privacy commitment we have made to you; and
- Prevent and address fraud, breach of policies or terms, and threats or harm and to comply with applicable law, and law enforcement or other legal processes, and government requests.

3. INFORMATION WE SHARE WITH THIRD PARTIES.

As permitted by applicable law, WageWorks may share non-Personal Information, and Personal Information that is not deemed WageWorks-Collected PI hereunder, or Client-service PHI, provided that we are not aware of restrictions on our use or sharing, with third parties or for any purpose. WageWorks' sharing of WageWorks-Collected PI and Client-service PHI are, however, subject to the following:

- **Marketing:** Subject to your communications choices explained in [Section 11.D](#), and the rights of California residents explained in [Section 12](#), we may use your Personal Information to send you marketing communications. WageWorks will not share your WageWorks-Collected PI with third parties, for their own direct marketing purposes, except in connection with Corporate Transactions (defined below) absent your consent (which may be by means of third party interaction described in the next bullet point). Your HIPAA PHI will be used or disclosed for marketing purposes only in accordance with the requirements of HIPAA.
- **Your Disclosure or Consent:** As more fully described in [Section 5](#) (Information You Disclose Publicly or to Others) and [Section 6](#) (Third-Party Content, Third-Party Services, Social Features, and Analytics), your activities on the Services may, by their nature, result in the sharing of your WageWorks-Collected Personal Information (as well as your other Personal Information and your non-Personal Information) with third parties and by engaging in these activities you consent to that and further sharing and disclosure to third parties. Such third party data receipt and collection is subject to the privacy and business practices of that third party, not WageWorks.

WageWorks may also share any information about you (including, without limitation, WageWorks-Collected PI) for any purposes not inconsistent with this Privacy Policy, or otherwise not prohibited by applicable law, including, without limitation:

- Clients or Program Sponsors, in connection with their employment-related and/or benefits-related programs and activities, concerning you;
- WageWorks' agents, vendors, consultants, and other service providers (collectively "**Service Providers**") may receive, or be given access to your information, including, without limitation, Personal Information, Demographic Information, and Usage Information, in connection with their work on WageWorks' behalf, provided however, (i) your Client-service PHI will remain subject to HIPAA and state health information privacy obligations; and (ii) WageWorks does not authorize its Service Providers to use WageWorks-Collected PI provided by WageWorks to the Service Providers to send you direct marketing messages other than related to WageWorks absent your consent. Service Providers may include custodian banks, payment vendors, job application platforms, statement and communications vendors, printed materials fulfillment vendors, eligible providers, health plan carriers, card fulfillment vendors, transportation and parking agencies, lockbox providers, call centers, customer service vendors,

claim process vendors, data protection vendors, and data storage and processing vendors. For more information on choices Service Providers may offer you in [Section 11](#).

- To comply with the law, law enforcement or other legal process, and in response to a government request; and
- If WageWorks believes your actions are inconsistent with WageWorks' terms of use, user agreements, applicable terms or policies, or to protect the rights, property, life, health, security and safety of WageWorks, the Services or its users, or any third party.

We will only share your Client-service PHI with third parties, to the applicable Client(s), as directed or permitted by you or as otherwise permitted or required by applicable law.

WageWorks may share your Client-service PHI and WageWorks-Collected Personal Information (as well as your other Personal Information and your non-Personal Information), in connection with or during negotiations of any proposed or actual merger, purchase, sale, joint venture, or any other type of acquisition or business combination of all or any portion of WageWorks assets, or transfer of all or a portion of WageWorks' business to another company ("**Corporate Transactions**").

In addition, in conjunction with laws and regulations enforced by the Equal Employment Opportunity Commission ("**EEOC**"), the Office of Federal Contract Compliance Programs ("**OFCCP**") and similar state and local regulatory agencies, we may ask you to provide us with self-identifying information (such as veteran status, gender and ethnicity). Providing such self-identifying information is voluntary, but if you do provide us with such information, we may submit that information, to the EEOC, the OFCCP and similar state and local regulatory agencies or otherwise use or disclose it for business-related purposes, including, without limitation, responding to information requests, fulfilling regulatory reporting requirements and defending against employment related complaints.

4. PROTECTED HEALTH INFORMATION ("PHI").

Notwithstanding anything in this Privacy Policy to the contrary, when we receive PHI in the course of performing services for a HIPAA covered entity or an entity subject to state health information privacy laws ("**Client-service PHI**"), we treat and protect the Client-service PHI consistent with our obligations under HIPAA, applicable state health information privacy laws and our contractual obligations to the covered entity (*e.g.*, a group health plan).

5. INFORMATION YOU DISCLOSE PUBLICLY OR TO OTHERS.

The Services may permit you to post or submit UGC including, without limitation, comments and other content, including Personal Information and Client-service PHI. If you choose to submit UGC to any public area of the Online Services (*e.g.*, comments to blog posts), your UGC will be considered "public" and will be accessible by anyone, including WageWorks. Notwithstanding anything to the contrary, unless otherwise explicitly agreed by us, Personal Information and Client-service PHI included in UGC is not subject to WageWorks' usage or sharing limitations, or other obligations, regarding WageWorks-Collected PI, Client-service PHI, or other Personal Information under this Privacy Policy or otherwise, and may be used and shared by WageWorks and third parties to the fullest extent not prohibited by applicable law. WageWorks encourages you to exercise caution when making decisions about what you disclose in such public areas. For more information on how UGC is treated under the Services' Terms of Use click in [Section 2](#). California minors should see [Section 9](#) regarding potential removal of certain UGC they have posted on the Online Services.

Additionally, the Services may offer you the option to send a communication to a friend, your employer or other contact. If so, WageWorks relies on you to only send to people that have given you permission to do so. The recipient's Personal Information you provide (*e.g.*, name, e-mail address) will be used to facilitate the communication, but not used by WageWorks for any other marketing purpose unless WageWorks obtains consent from that person. Your contact information and message may be included in the communication.

6. **THIRD-PARTY CONTENT, THIRD-PARTY SERVICES, SOCIAL FEATURES, AND ANALYTICS.**

The Services may include hyperlinks to, or include on or in connection with, the Services (*e.g.*, apps, software, and plug-ins), websites, locations, platforms, applications or services operated by third parties (“**Third-Party Service(s)**”). These Third-Party Services may use their own cookies, web beacons, and other Tracking Technology to independently collect information about you and may solicit Personal Information from you.

For example, certain functionalities on the Services permit interactions that you initiate between the Services and certain Third-Party Services, such as third party social networks (“**Social Features**”). If you use Social Features, and potentially other Third-Party Services, information you post or provide access to may be publicly displayed on the Services (see [Section 5](#)) or by the Third-Party Service that you use. Similarly, if you post information on a third-party service that references the Services (*e.g.*, by using a hashtag associated with WageWorks in a tweet or status update), your post may be used on or in connection with the Services or otherwise by WageWorks. Also, both WageWorks and the third party may have access to certain information about you and your use of the Services and any Third-Party Service.

WageWorks may use Google Analytics, Adobe Analytics or other Service Providers for analytics services. These analytics services may use cookies and other Tracking Technologies to help WageWorks analyze Service users and how they use the Services. Information generated by these services (*e.g.*, your IP address and other Usage Information) may be transmitted to and stored by these Service Providers on servers in the U.S. (or elsewhere) and these Service Providers may use this information for purposes such as evaluating your use of the Services, compiling statistic reports on the Services’ activity, and providing other services relating to Services activity and other Internet usage.

Except to the extent we combine information we receive from Service Providers, Third-Party Services, or other third parties with WageWorks-Collected PI, in which case WageWorks will treat the combined information as WageWorks-Collected PI under this Privacy Policy (see [Section 1\(c\)](#)), data obtained by WageWorks from a third party, even in association with the Services, is not subject to WageWorks’ limitations regarding WageWorks-Collected PI under this Privacy Policy, however such data remains subject to any restrictions imposed on WageWorks by the third party, if any. Otherwise, the information collected, stored, and shared by third parties remains subject to their privacy policies and practices, including whether they continue to share information with WageWorks, the types of information shared, and your choices on what is visible to others on Third-Party Services.

Except as required under applicable law and/or our contractual commitments to covered entities with regard to Client-service PHI, WageWorks is not responsible for and makes no representations regarding the policies or business practices of any third parties, including, without limitation, analytics Service Providers and Third-Party Services associated with the Services, and encourages you to familiarize yourself with and consult their privacy policies and terms of use. See [Section 11](#) for more on certain choices offered by some third parties regarding their data collection and use, including regarding analytics.

7. **DATA SECURITY AND MONITORING.**

WageWorks takes reasonable measures to protect WageWorks-Collected PI (excluding public UGC), and Client-service PHI, from loss, theft, misuse and unauthorized access, disclosure, alteration, and destruction. Nevertheless, transmission via the internet and online digital storage are not completely secure and WageWorks cannot guarantee the security of your information collected through the Services.

To help protect you and others, and as permitted by applicable law, WageWorks and its Service Providers may (but make no commitment to) monitor use of the Services, and may collect and use related information including WageWorks-Collected PI and other Personal Information for all purposes not prohibited by applicable law or inconsistent with this Privacy Policy, including, without limitation, to identify fraudulent activities and transactions; prevent abuse of and investigate and/or seek prosecution for any potential threats to or misuse of the Services; ensure compliance with the [Terms of Use](#) and this Privacy Policy; investigate violations of or enforce these agreements; and otherwise to protect the rights and property of WageWorks, third parties, and other users. Monitoring may result in the collection, recording, and analysis of online activity or communications through our Services. If you do not consent to these conditions, you must discontinue your use of the Services.

8. INTERNATIONAL TRANSFER.

WageWorks is based in the U.S. and the information WageWorks and its Service Providers collect is governed by U.S. law. If you are accessing the Services from outside of the U.S., please be aware that information collected through the Services may be transferred to, processed, stored, and used in the U.S. Data protection laws in the U.S. may be different from those of your country of residence. Your use of the Services or provision of any information therefore constitutes your consent to the transfer to and from, processing, usage, sharing, and storage of your information, including Personal Information, in the U.S. as set forth in this Privacy Policy.

9. CHILDREN'S PRIVACY.

The Services is intended for a general audience and not directed to children less than thirteen (13) years of age. WageWorks does not intend to collect personal information as defined by the U.S. Children's Privacy Protection Act ("COPPA") ("**Children's Personal Information**") in a manner that is not permitted by COPPA. If we obtain knowledge that we have collected Children's Personal Information in a manner not permitted by COPPA, we will remove such data to the extent required by COPPA.

Any California residents under the age of eighteen (18) who have registered to use the Services, and who posted content or information on the Online Services, can request removal by contacting WageWorks by sending an email to HQYPrivacy@HealthEquity.com, detailing where the content or information is posted and attesting that you posted it. WageWorks will then make reasonable 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 WageWorks does not control.

10. ACCESSING AND CHANGING INFORMATION.

WageWorks may provide web pages or other mechanisms allowing you to delete, correct, or update some of the WageWorks-Collected PI, and potentially certain other information about you (e.g., profile and account information). WageWorks will make good faith efforts to make requested changes in WageWorks' then-active databases as soon as practicable, but it is not always possible to completely change, remove or delete all of your information or public postings from WageWorks' databases (California minors see [Section 9](#)) and residual and/or cached data may remain archived thereafter. Further, we reserve the right to retain data (a) as required by applicable law; and (b) for so long as reasonably necessary to fulfill the purposes for which the data is retained except to the extent prohibited by applicable law.

11. CHOICES: TRACKING AND COMMUNICATIONS OPTIONS.

A. Tracking Technologies Generally. Regular cookies may generally be disabled or removed by tools available as part of most commercial browsers, and in some instances blocked in the future by selecting certain settings. Browsers offer different functionalities and options so you may need to set them separately. Also, tools from commercial browsers may not be effective with regard to Flash cookies (also known as locally shared objects), HTML5 cookies, or other Tracking Technologies. For information on disabling Flash cookies, go to [Adobe's website](#). Please be aware that if you disable or remove these technologies, some parts of the Services may not work

and that when you revisit the Services your ability to limit browser-based Tracking Technologies is subject to your browser settings and limitations.

Some app-related Tracking Technologies in connection with non-browser usage (e.g., most functionality of a mobile app) can only be disabled by uninstalling the app. To uninstall an app, follow the instructions from your operating system or handset manufacturer.

Your browser settings may allow you to automatically transmit a “Do Not Track” signal to Services you visit. Note, however, there is no consensus among industry participants as to what “Do Not Track” means in this context. Like many Services, WageWorks currently does not alter WageWorks’ practices when WageWorks receives a “Do Not Track” signal from a visitor’s browser. To find out more about “Do Not Track,” you can visit <http://www.allaboutdnt.com>, but WageWorks is not responsible for the completeness or accuracy of this third party information. Some third parties, however, may offer you choices regarding their Tracking Technologies. One way to potentially identify cookies on our Site is to add the free Ghostery plug-in to your browser (www.ghostery.com), which according to Ghostery will display for you traditional, browser-based cookies associated with the web sites (but not mobile apps) you visit and privacy and opt-out policies and options of the parties operating those cookies. WageWorks is not responsible for the completeness or accuracy of this tool or third party choice notices or mechanisms. For specific information on some of the choice options offered by third party analytics and advertising providers, see the next section.

B. Analytics and Tracking Technologies. You may exercise choices regarding the use of cookies from Google Analytics by going to <https://tools.google.com/dlpage/gaoptout> or downloading the Google Analytics Opt-out Browser Add-on. You may exercise choices regarding the use of cookies from Adobe Analytics by going to <http://www.adobe.com/privacy/opt-out.html> under the section labeled “Tell our customers not to measure your use of their websites or tailor their online ads for you.”

We may use Oracle Marketing Cloud Services such as Eloqua to provide us with user Services activity information. Oracle offers users with certain privacy choices, including an opt-out. For more information, see <https://www.oracle.com/marketingcloud/opt-status.html> and <https://www.oracle.com/legal/privacy/privacy-choices.html>.

You may choose whether to receive some Interest-based Advertising by submitting opt-outs. Some of the advertisers and Service Providers that perform advertising-related services for us and third parties may participate in the Digital Advertising Alliance’s (“DAA”) Self-Regulatory Program for Online Behavioral Advertising. To learn more about how you can exercise certain choices regarding Interest-based Advertising, visit <http://www.aboutads.info/choices/>, and <http://www.aboutads.info/appchoices> for information on the DAA’s opt-out program for mobile apps. Some of these companies may also be members of the Network Advertising Initiative (“NAI”). To learn more about the NAI and your opt-out options for their members, see <http://www.networkadvertising.org/choices/>. Please be aware that, even if you are able to opt out of certain kinds of Interest-based Advertising, you may continue to receive other types of ads. Opting out only means that those selected members should no longer deliver certain Interest-based Advertising to you, but does not mean you will no longer receive any targeted content and/or ads (e.g., from other ad networks). Also, if your browsers are configured to reject cookies when you visit these opt-out webpages, or you subsequently erase your cookies, use of a different device or web browsers or use a non-browser-based method of access (e.g., mobile app), your NAI / DAA browser-based opt-out may not, or may no longer, be effective. WageWorks supports the ad industry’s [2009 Selfregulatory Principles for Online Behavioral Advertising \(PDF\)](#) and expects that ad networks WageWorks directly engages to serve you Interest-based Advertising will do so as well, though WageWorks cannot guaranty their compliance. WageWorks is not responsible for effectiveness of, or compliance with, any third-parties’ opt-out options or programs or the accuracy of their statements regarding their programs.

C. Mobile Apps. With respect to WageWorks’ mobile apps (“apps”), you can stop all collection of data generated by use of the app by uninstalling the app. Also, you may be able to exercise specific privacy choices, such as enabling or disabling certain features (e.g., push notifications, accessing phone, SMS, device id, data, photos/media/files, etc.), by adjusting the permissions in your mobile device and/or the app’s settings. Beware that

if GPS precise location services are disabled, other means of establishing or estimating location (e.g., connecting to or proximity to wi-fi, Bluetooth, beacons, or our networks) may persist.

D. Communications. You can opt out of receiving certain promotional communications (emails or text messaging) from WageWorks at any time by (i) for promotional e-mails, following the instructions provided in emails to click on the unsubscribe link, or if available by changing your communication preferences by logging onto your account; and (ii) for text messages, text back the word, “STOP” and (iii) for app push notifications, turn off push notifications on the settings of your device and/or the app, as applicable. Please note that your opt-out is limited to the e-mail address or phone number used and will not affect subsequent subscriptions. If you opt-out of only certain communications, other subscription communications may continue. Even if you opt-out of receiving promotional communications, WageWorks may, subject to applicable law, continue to send you non-promotional communications, such as those about your account, transactions, servicing, or WageWorks’ ongoing business relations.

12. YOUR CALIFORNIA PRIVACY RIGHTS.

A. California Civil Code Section 1798.83

We do not share personal information as defined by California Civil Code Section 1798.83 (“Shine The Light law”) with third parties for their direct marketing purposes absent your consent. If you are a California resident, you may request information about our compliance with the Shine the Light law by contacting us by email to HOYPrivacy@HealthEquity.com or by sending a letter to WageWorks, Inc., c/o HealthEquity at 15 W. Scenic Pointe Drive, Suite 100, Draper, UT 84020, (Attention: General Counsel, Legal Department). Any such request 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

B. California Minors

We do not share personal information as defined by California Civil Code Section 1798.83 (“Shine The Light law”) with third parties for their direct marketing purposes absent your consent. If you are a California resident, you may request information about our compliance with the Shine the Light law by contacting us by email to HOYPrivacy@HealthEquity.com or by sending a letter to WageWorks, Inc., c/o HealthEquity at 15 W. Scenic Pointe Drive, Suite 100, Draper, UT 84020 (Attention: General Counsel, Legal Department). Any such request 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 this email address or mail address.

California minors should see “Children’s Privacy” at [Section 9](#) regarding removal of certain content they have posted.

C. California Consumer Privacy Act (CCPA)

To understand our privacy practices and your rights under the CCPA, please [click here](#). If you are a California resident, you may request information about our compliance with the CCPA, by contacting us via email at HOYPrivacy@HealthEquity.com.

13. YOUR CONNECTICUT PRIVACY RIGHTS.

Connecticut law requires any person or entity that collects Social Security numbers from Connecticut residents in the course of business to create a privacy protection policy and to publish or display it publicly. It is our policy to protect the confidentiality of Social Security numbers in our possession from misuse and improper disclosure by maintaining and enforcing policies and physical and electronic safeguards against misuse and improper disclosure. Unlawful disclosure of

Social Security numbers is prohibited, and access to them is limited to personnel who need access to such information in order to perform their job functions.

14. CHANGES TO THIS PRIVACY POLICY.

We reserve the right to change this Privacy Policy prospectively effective upon the posting of the revised Privacy Policy and your use of our Services indicates your consent to the privacy policy posted at the time of use. However, we will not use your previously collected WageWorks-Collected PI, or Client-service PHI, to the extent it is not collected under the new privacy policy, in a manner materially different than represented at the time it was collected without your consent. To the extent any provision of this Privacy Policy is found by a competent tribunal to be invalid or unenforceable, such provision shall be severed to the extent necessary for the remainder to be valid and enforceable.

15. CONTACT US.

If you have any questions about this Privacy Policy, please contact us by email at HQYPrivacy@HealthEquity.com or at WageWorks, Inc., c/o HealthEquity at 15 W. Scenic Pointe Drive, Suite 100, Draper, UT 84020 (Attention: General Counsel, Legal Department).

//End Privacy Policy//

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CALIFORNIA CONSUMER PRIVACY ACT NOTICE.

This California Privacy Notice is intended to supplement our [Privacy Policy](#) and applies solely to visitors, users, and others who are California residents (“consumers” or “you”).

To understand our privacy practices, you should refer to both our [Privacy Policy](#) and this supplemental notice.

The California Consumer Privacy Act (“CCPA”) is intended to apply to personal information we collect in the course of our business. This notice does not apply to our products that are excepted from CCPA, such as those that are subject to HIPAA or Gramm-Leach-Bliley. In addition, some of the requirements of CCPA do not go into effect until January 1, 2021 for products and services that are related to employee benefit plans.

The CCPA defines “Personal information” as information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a consumer or device.

Below are the categories of Personal Information and the CCPA Information that we may collect, as permitted by law:

Category	Examples of Information We Collect
A. Identifiers.	Real name, postal address, email address, account numbers
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	Name, address, email address, account number, health insurance information
C. Protected classification characteristics under California or federal law.	Age, marital status, medical condition, gender, veteran or military status
D. Commercial information.	Products or services purchased, consumer history
E. Biometric information.	Medical information related to claims for reimbursement
F. Internet or other similar network activity.	Browsing and search history, use of apps or website
G. Geolocation data.	Physical location, such as location of website access.
H. Sensory data.	Audio recordings of calls, medical information related to claims for reimbursement.
I. Professional or employment-related information.	Employer and employment history
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Where applicable, student information related to eligibility for benefits

K. Inferences drawn from other personal information.	Profile based on preferences, such as website opt-ins or claims for reimbursement
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Categories of Sources

The CCPA information we collect comes directly from you when you inquire about our products and services via our website or by telephone or when you file a claim for reimbursement or view our website; from your employer (where applicable) where your employer is providing benefits; and from third parties that assist us in providing these benefits.

How We Use Information

We may use or disclose the personal information listed above for the following purposes, as permitted by CCPA and other applicable law:

- To provide you with information about our products and services
- To administer the products and services that we offer, including to determine eligibility or to review and pay claims
- To review product performance to evaluate benefits to be offered
- To engage service providers to assist us in administering and providing our products and services
- To consult with you or others designated by you, or as allowed by law, regarding your benefits
- To provide data analytics to allow us to assess product performance or enhance our products or website
- To comply with administrative or legal requests, subpoenas, or otherwise required by law
- For any purpose that would be permitted under HIPAA or Gramm-Leach-Bliley.

Selling your Personal Information

We do not sell your CCPA information.

Cookies

Please see our [Privacy Policy](#)

Your Rights

In the future, where the CCPA applies to the product or service we offer, you may have the right to request access, data portability, and deletion rights.

Non-Discrimination

We will not discriminate against you for exercising your CCPA rights.

Changes to Our Privacy Notice

We reserve the right to amend this privacy notice at our discretion and at any time.

Requesting Notice in Alternative Format/Language

You may be able to request this notice in another language where we provide such notices in the ordinary course of business or in an alternative format if you have a disability. Please see our contact information below to request an alternative format.

Contact Information

If you have any questions or comments about this notice, our Privacy Policy, the ways in which we collect and use your information, 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: 1-866-346-5800
Email: HQYPrivacy@HealthEquity.com
Postal Address: HEALTH EQUITY, INC.
Attn: Privacy Officer
15 West Scenic Pointe Drive
Draper, UT 84020