

## FinLocker Privacy Notice

**Last Updated/Effective Date:** 09/24/2024

This Privacy Notice includes important information about your Personal Information, and we encourage you to read it carefully.

### 1. Overview.

Bay Capital Mortgage (“**Locker Sponsor**”) and its partners respect your privacy. My Capital Connect is a secure financial fitness tool that aggregates and analyzes a consumer’s financial data to offer personalized journeys to achieve loan eligibility for a mortgage and other financial transactions that Gay Capital Mortgage makes available to you through our partner, FinLocker, Inc.

This Privacy Notice describes the Personal Information that FinLocker, Inc. and its affiliates (“**FinLocker**”) collects, uses, or shares on My Capital Connect (the “**Site**”). This Privacy Notice also describes your rights and choices, including the right to object to some uses of your Personal Information by FinLocker and how you can contact FinLocker about its privacy practices.

### 2. Personal Information FinLocker Collects

FinLocker may collect a range of Personal Information. “Personal Information” means information that uniquely identifies, relates to, describes, or is reasonably capable of being associated with or linked to you. Personal information does not include information that is anonymous or aggregated, or any information that cannot be associated with or be used to identify a particular person.

The types of Personal Information FinLocker collects may include:

- **Contact Information** – If you submit an inquiry, register for an account, or provide information on the Site, FinLocker may collect your contact information. This may include your name, email address, demographic information, and phone number.
- **Demographic Information** – When you create an account, you may also be asked to provide identification information to confirm your identity, including your first and last name, address, date of birth, full or partial social security number and phone number.
- **Third Party Site Accounts** – FinLocker may collect certain passwords, usernames, account numbers, and other account information for third-party sites and Internet services (“**Third Party Sites**”) which you permit FinLocker to access on your behalf.
- **Third Party Site Information** – FinLocker may collect, on your behalf, your account and other Personal Information from Third Party Sites that you link to your account via the Site. For example, if you register your Bank of America® account with us, FinLocker will access your Bank of America® information via the Site to present it to you and to disclose it with other parties authorized by you.
- **Other Financial and Personal Information** – FinLocker may collect, on your behalf, financial and other Personal Information from the parties you have authorized FinLocker to disclose information with and from other parties (e.g., automated underwriting systems, Consumer Reporting Agencies, and other third-party information providers). Where required by law, FinLocker data providers, or otherwise, FinLocker will obtain your authorization before seeking Personal Information from such third parties. You may upload documents and files to the Site, such as tax return documents, property related documents, or employment-related information and input employment, property, and other information about you to allow FinLocker to provide more

comprehensive services to you, and to enable FinLocker to disclose these documents with other parties authorized by you. Depending on your use of the Site, you also may submit information relating to your spouse, beneficiaries, or dependents. Also, FinLocker may ask you questions related to your personal financial situation and goals, and FinLocker will collect your responses to these questions.

- **Location Data** – While navigating the Site your mobile device or browser may disclose your location data, both through Wi-Fi and GPS. FinLocker will collect this information based on the settings of your phone and browser.
- **Usage Information** – When you use the Site, our FinLocker’s servers may automatically record information, including your Internet Protocol address (IP Address), browser type, referring URLs (e.g., the site you visited before coming to the Site), domain names associated with your internet service provider, information on your interaction with the Site, and other such information.
- **Communication Information** – FinLocker may collect audio, electronic, or visual information, which includes screen sharing views; any data in any files uploaded, emailed or otherwise provided by customers; the contents of your communications with us, whether via e-mail, chat functionality, social media, telephone or otherwise, and inferences FinLocker may make from other Personal Information FinLocker collect.

### 3. How FinLocker Collects Your Personal Information

- **FinLocker May Collect Your Personal Information Directly From You** – For example, if you request information from us, or complete the “Contact Us” form on the Site.
- **FinLocker May Also Collect Personal Information From Third Parties** – For example, FinLocker may work with business partners, subcontractors, advertising networks, analytics providers, and search information providers, who may provide FinLocker with Personal Information. Such third parties may also include public records databases or other publicly available sources.
- **Through Online Tracking Technologies** – FinLocker uses cookies and similar technologies to collect Personal Information related to activity on FinLocker’s website. For additional information regarding FinLocker’s use of these technologies, see the *Cookies and Tracking Technologies* section below.

### 4. How FinLocker Uses Personal Information

To the extent permitted by applicable law, FinLocker may use Personal Information to:

- operate the Site and provide support to FinLocker’s business functions;
- contact and access Third-Party Sites you have permitted FinLocker to access;
- fulfill customer requests, such as to create an account or complete purchases initiated by you through the Site;
- protect against criminal activity, claims and other liabilities;
- confirm your accounts are valid and verify your identity;
- send you information about the Locker Sponsor, and the Locker Sponsor’s products, services, and promotions;
- respond to reviews, comments, or other feedback provided to us;
- support and personalize the Site and the Locker Sponsor’s advertising efforts;
- protect the security and integrity of the Site;
- provide customer support;

- the extent required for benchmarking, data analysis, audits, developing new products, enhancing the Site, facilitating product, software and applications development, improving the Site or FinLocker's services, conducting research, analysis, studies or surveys, identifying usage trends, as well as for other analytics purposes;
- meet FinLocker's contractual requirements and enforce FinLocker's Terms of Service;
- comply with applicable legal or regulatory requirements and FinLocker's policies;
- market, advertise, and provide the Site and FinLocker's services;
- provide information to Authorized Third Parties, with your consent; and
- the extent necessary for any other lawful purpose for which the Personal Information is collected.

## 5. Authorized Third Parties

Our Site allows you to provide, and grant access to, your financial and Personal Information to third parties, such as your Locker Sponsor, other providers of services and products that you may be interested in, and family members that you authorize to receive such information ("**Authorized Third Parties**"). Authorized Third Parties can receive your Personal Information in four ways:

- First, FinLocker may disclose your Personal Information with your Locker Sponsor as described in Section 6 of this Privacy Notice.
- Second, with your express, informed consent, FinLocker may disclose your Personal Information to certain Authorized Third Parties. FinLocker will seek your express consent to disclose this information at the time you create an account with us, or via a separate process at FinLocker's discretion prior to disclosing any of your Personal Information.
- Third, using the Site, you can select what information you want FinLocker to provide to an Authorized Third Party.
- Fourth, you can grant Authorized Third Parties direct access to your Personal Information FinLocker possess through options you select within the Site.

All the information FinLocker provides to an Authorized Third Party or that an Authorized Third Party directly accesses from FinLocker will be in their possession and generally becomes part of their "file(s)" or "loan file" on you. While FinLocker controls the provision of and access to your Personal Information FinLocker possesses, FinLocker does not control how an Authorized Third Party uses your Personal Information once such information is in the Authorized Third Party's possession. Your Personal Information in the possession of an Authorized Third Party, and their use of that information including how long such information is retained, will be governed by the privacy policies and other applicable policies of that Authorized Third Party.

You acknowledge and agree that you will not request that FinLocker disclose your information with any type of third-party if FinLocker indicates the type of which you have requested FinLocker disclose your Personal Information with is restricted from receiving information from FinLocker or the Site.

Notwithstanding anything in this Privacy Notice to the contrary, all information in possession of an Authorized Third Party, and their use of such information, will not be subject to this Privacy Notice and FinLocker will not be responsible for such possession or use.

## 6. Disclosure of Personal Information

**FinLocker will not sell, publish or disclose your Personal Information without your permission, except as specifically described in this Privacy Notice. FinLocker may disclose your Personal Information in the following circumstances:**

- **To Locker Sponsors** – FinLocker may disclose your Personal Information to your Locker Sponsor so that your Locker Sponsor can provide you with its products and services, including financial education and guidance. The Personal Information FinLocker discloses to your Locker Sponsor may include your registration information, information about how you use the Site, responses provided to any questions or assessments, and, subject to your data sharing consent (which you can change at any time), select summary information about your personal financial situation.
- **To Agents of Locker Sponsors or Authorized Third Parties** – FinLocker may disclose your Personal Information to third parties who are affiliated, transacting or working with, or otherwise providing services on behalf of, your Locker Sponsor or an Authorized Third Party (for example, a mortgage lender may transfer their access to your Personal Information to a third party they may sell or assign your mortgage to, or to a third party they use to originate your loan or service your loan)
- **To Provide FinLocker’s Services** – FinLocker may disclose your Personal Information to FinLocker’s parent, subsidiary, third parties and other related companies, including, but not limited to, FinLocker’s partners, vendors, consultants and professional advisors, trusted affiliates, independent contractors and business partners who will use the information only as necessary for them to perform or provide the Site and for the specific purposes for which the information was collected.
- **To Third Parties for Marketing Purposes** – FinLocker may disclose your Personal Information to third parties for their marketing purposes. This may include third parties whose services FinLocker believes you may be interested in, or who are interested in providing you with services.
- **For Legal Obligation or Safety Reasons** – When FinLocker have a good faith belief that access, use, preservation or disclosure of Personal Information is reasonably necessary to (a) satisfy or comply with any requirement of law, regulation, legal process, or enforceable governmental request, (b) enforce or investigate a potential violation of the Terms of Service, (c) detect, prevent, or otherwise respond to fraud, security or technical concerns, (d) support auditing and compliance functions, or (e) protect the rights, property, or safety of FinLocker, its users, or the public against harm.
- **In the Case of a Merger or Sale** – If FinLocker is involved in a merger, acquisition, or any form of transfer or sale of some or all of its business, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding. Personal Information may be transferred along with the business. Where legally required FinLocker will give you prior notice and if you have a legal right to do so, an opportunity to object to this transfer.
- **To Service providers** – When FinLocker hires a service provider to help operate the Site or FinLocker’s business, FinLocker may give access to Personal Information as necessary to perform such services. This may include service providers that operate the Site, send FinLocker’s communications, or manage FinLocker’s customer relations.

## 7. Cookies and Other Tracking Technologies

FinLocker and its service providers may use cookies and similar technologies to collect usage and browser information about how you use FinLocker’s website. FinLocker processes the information collected through such technologies, which may include or be combined with Personal Information, to help operate certain features of FinLocker’s website, to enhance your experience through personalization, and to help FinLocker better understand the features of FinLocker’s website that you and other users are most interested in.

FinLocker uses analytics services, including Google Analytics, to assist FinLocker with analyzing FinLocker’s website traffic. These services utilize cookies and other technologies that collect your Personal

Information. To learn more about how Google uses data, visit [Google's Privacy Policy](#) and Google's page on "[How Google uses data when you use FinLocker's partners' websites or apps.](#)" You may download the [Google Analytics Opt-out Browser Add-on](#) for each web browser you use, but this does not prevent the use of other analytics tools. To learn more about Google Analytics cookies, visit [Google Analytics Cookie Usage on Websites](#).

In order to manage your preferences with respect to these technologies, please utilize the "Cookie Settings" page linked from the banner on FinLocker's home page. Most browsers provide you with the ability to block, delete, or disable cookies, and your mobile device may allow you to disable transmission of unique identifiers and location data. If you choose to reject cookies or block device identifiers, some features of FinLocker's Services may not be available, or some functionality may be limited or unavailable. Please review the help pages of your browser or mobile device for assistance with changing your settings. FinLocker does not respond to Do Not Track ("DNT") signals sent to FinLocker by your browser at this time.

## **8. Anonymized, De-Identified, or Aggregated Data**

FinLocker may use, disclose or make available anonymous, de-identified or aggregate information that cannot be used to identify you individually. This anonymous, de-identified or aggregate information is not Personal Information, and FinLocker may use anonymous, de-identified or aggregate information for any purpose allowed by law.

## **9. How Long Do FinLocker Keeps Your Personal Information**

Upon your termination of your account registered for use of the Site, FinLocker will terminate your account. Upon your termination of your account, FinLocker will delete all Personal Information included in your account. Notwithstanding the foregoing, FinLocker may retain one copy of your Personal Information in order to comply with its obligations under its agreements with your Locker Sponsor, for a period not to exceed seven (7) years from the date you terminate your account.

If you choose to initiate a transaction for a financial product or service with an Authorized Third Party, FinLocker may retain the information associated with such transaction for the period required by its agreement with such Authorized Third Party.

To the extent you have authorized the disclosure of your Personal Information to Authorized Third Parties pursuant to Section 4 of this Privacy Notice, any Personal Information in the possession of those Authorized Third Parties at the time you terminate your FinLocker account will be subject to the privacy policies of the applicable Authorized Third Party.

## **10. How FinLocker Protects Your Personal Information**

FinLocker uses FinLocker's commercially reasonable efforts to protect the confidentiality and security of Personal Information FinLocker processes. These efforts include technical and administrative security measures such as, but not limited to, firewalls, encryption techniques, and authentication procedures, among others, designed to maintain the security of your online session, the information FinLocker stores, and the information FinLocker discloses with others. However, despite these efforts to store Personal Information in a secure operating environment, FinLocker cannot guarantee the security of Personal Information during its transmission or its storage on FinLocker's systems. Further, while FinLocker attempts to ensure the

integrity and security of Personal Information, FinLocker cannot guarantee that its security measures will prevent third parties such as hackers from illegally obtaining access to Personal Information.

## 11. International Use of the Site

This Site is hosted in the United States. If you are visiting this Site from outside of the United States, please note that by providing your Personal Information it is being transferred to, stored, collected, or processed in the United States, where FinLocker's data center and servers are located and operated.

## 12. Children's Privacy

FinLocker does not knowingly collect or solicit any Personal Information from children under the age of 16. In the event that FinLocker learn that FinLocker has collected Personal Information from a child, FinLocker will promptly take steps to delete that information. If you are a parent or legal guardian and think your child has given FinLocker their Personal Information, you can email FinLocker at [privacy@finlocker.com](mailto:privacy@finlocker.com) or contact FinLocker using the information listed in Section 17.

## 13. Links to Third-Party Websites

Our Site may contain links to third-party websites and services that are not owned or controlled by us. FinLocker is not responsible for the practices employed by any websites or services linked to or from the Site, including the information or content contained within them. FinLocker encourages you to investigate and ask questions before disclosing Personal Information to third parties, since any Personal Information disclosed will be subject to the applicable third party's Privacy Notice.

## 14. Notice to California Residents

This Section applies to FinLocker's collection and use of "Personal Information" if you are a resident of California, as required by the California Consumer Privacy Act of 2018 and its implementing regulations, as amended by the California Privacy Rights Act (the "CCPA").

When FinLocker use the term "Personal Information" in the context of the CCPA, FinLocker means information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular California consumer or household. **Any information FinLocker collects described in Section 2 of this Privacy Notice not listed in this Section 14 is subject to the Fair Credit Reporting Act or Gramm-Leach-Bliley Act and is not subject to the CCPA or their respective requirements.**

If you would like to receive a copy of this Section in an alternate format (e.g., printable) or language, please contact FinLocker using the information provided in Section 16.

### Categories of Personal Information Collected, Used, and Disclosed

FinLocker has collected the following categories of Personal Information from FinLocker's consumers within the last 12 months. The sources from which FinLocker obtains this information and the ways in which FinLocker uses this information are set forth in Section 2 and Section 3 above. The categories of third parties to whom FinLocker discloses Personal Information for a business or commercial purpose or to whom FinLocker sells or shares Personal Information are summarized in the chart below. FinLocker discloses Personal Information for the purposes set forth in Section 5 above. FinLocker does not knowingly sell or share the Personal Information of minors under the age of 16.

Categories of CA Personal Information FinLocker Collects	Categories of Third Parties to Which FinLocker Discloses Personal Information for a Business or Commercial Purpose	Categories of Third Parties to Which FinLocker May Sell or Share Personal Information	Retention Period
Geolocation data	Service providers, Authorized Third Parties, Locker Sponsors	FinLocker does not sell or share this information.	Twenty-six (26) months from date of collection.

### Other California Privacy Rights

Under California Civil Code Section 1798.83, individual customers who reside in California and who have an existing business relationship with FinLocker may request information about FinLocker’s disclosure of certain categories of Personal Information to third parties for the third parties’ direct marketing purposes, if any. To make such a request, please contact FinLocker using the information in the *Contact FinLocker* section below. Please be aware that not all information sharing is covered by these California privacy rights requirements and only information on covered sharing will be included in FinLocker’s response. This request may be made no more than once per calendar year.

## **15. Exercising Your Individual Privacy Rights**

Depending on where you live, you may have the following rights with respect to your Personal Information under applicable data protection laws:

Privacy Right	Description
<b>Access</b>	You may have the right to know what Personal Information FinLocker has collected about you and to access such data.
<b>Data Portability</b>	The right to receive the Personal Information you have previously provided to FinLocker in a portable and readily usable format.
<b>Deletion</b>	You may have the right to delete your Personal Information that FinLocker has obtained, subject to certain exceptions.
<b>Correction</b>	You may have the right to correct inaccuracies in your Personal Information.
<b>Automated Decision Making</b>	You have the right to request information about the logic involved in automated decision-making and a description of the likely outcome of processes, and the right to opt out. FinLocker does not currently engage in any automated decision-making practices.
<b>To Opt Out of Sales or Sharing of Personal Information</b>	You have the right to opt out of the sale or sharing of your Personal Information.

To opt out of marketing emails, please email FinLocker at [privacy@finlocker.com](mailto:privacy@finlocker.com) or by following the instructions included in the email or text correspondence. Please note that, even if you unsubscribe from certain correspondence, FinLocker may still need to contact you with important transactional or administrative information, as permitted by law. Additionally, if you withdraw your consent or object to processing of your Personal Information, or if you choose not to provide certain Personal Information, FinLocker may be unable to provide some or all of FinLocker's services to you.

FinLocker will only disclose your Personal Information with your consent or as otherwise described in this Privacy Notice. You may revoke your consent to FinLocker's disclosure of Personal Information with Authorized Third Parties and opt-out of future disclosures at any time by contacting FinLocker at [privacy@finlocker.com](mailto:privacy@finlocker.com).

If FinLocker disclosed Personal Information to a third party with your consent, you should contact such third party directly if you want to exercise your rights for the disclosed Personal Information.

You will not be discriminated against in any way by virtue of your exercise of the rights listed in this Privacy Notice which means FinLocker will not deny goods or services to you, provide different prices or rates for goods or services to you, or provide a different level or quality of goods or services to you. Only you, or an authorized agent that you authorize to act on your behalf, may make a request related to your Personal Information. You may also make a request on behalf of your minor child.

To exercise your privacy rights under applicable data protection law, please submit a request to FinLocker by one of the following methods:

- Calling FinLocker toll free at 888-231-2070.
- E-mailing FinLocker at [privacy@finlocker.com](mailto:privacy@finlocker.com)
- Via FinLocker's support site at <https://support.finlocker.com/support/home>. Please explicitly state your request in the subject field and provide any additional details in the description field.

FinLocker must verify your identity before fulfilling your requests. If FinLocker cannot initially verify your identity, FinLocker may request additional information to complete the verification process. FinLocker will only use Personal Information provided in a request to verify the requestor's identity. If you are an authorized agent making a request on behalf of a California consumer, FinLocker will also need to verify your identity, which may require proof of your written authorization or evidence of a power of attorney.

FinLocker endeavors to respond to requests within the time period required by applicable law. If FinLocker requires more time, FinLocker will inform you of the reason and extension period in writing.

If you have an account with us, FinLocker may deliver FinLocker's written response to that account. If you do not have an account with us, FinLocker will deliver FinLocker's written response by mail or electronically, at your option.

FinLocker does not charge a fee to process or respond to your request unless it is excessive, repetitive, or manifestly unfounded. If FinLocker determines that the request warrants a fee, FinLocker will tell you why FinLocker made that decision and provide you with a cost estimate before completing your request.



FinLocker cannot respond to your request or provide you with Personal Information if FinLocker cannot verify your identity and confirm the Personal Information relates to you. Making a verifiable consumer request does not require you to create an account with us.

FinLocker may deny certain requests, or only fulfill some in part, as permitted or required by law. For example, if you request to delete Personal Information, FinLocker may retain Personal Information that FinLocker need to retain for legal purposes.

## **16. Changes to this Privacy Notice**

Please note that FinLocker may modify or update this Privacy Notice from time to time, so please review it periodically. FinLocker may provide you with an updated Privacy Notice if material changes are made. Unless otherwise indicated, any changes to this Privacy Notice will apply immediately upon posting to the Site.

## **17. Contact Us**

**If you have any questions about FinLocker's practices or this Privacy Notice, please contact FinLocker at [privacy@finlocker.com](mailto:privacy@finlocker.com). You may also write to FinLocker at:**

FinLocker, Inc.  
8151 Clayton Road, Suite 204  
Clayton, Missouri 63117