

# clearXchange, LLC Privacy Policy

*LAST UPDATED: March 20, 2018*

Welcome! Thank you for visiting the clearXchange® ("we," "our," or "us") offering. To help inform you, we are providing this notice to explain our online information practices and the choices you can make about the collection and use of information you submit or we collect through our website <https://www.clearxchange.com> (the "Site"). The Site is owned and operated by Early Warning Services, LLC.

clearXchange, LLC provides U.S. financial institutions that are clearXchange customers (our "Network Banks") a network directory service to enable convenient transfers of money between their respective account holders using email addresses or mobile phone numbers. clearXchange also provides an out-of-network service for individuals who do not have a deposit account with our Network Banks to enable such clearXchange.com Users (each "User") to receive money from a Network Bank Customer using the User's email address or mobile phone number (the "Service").

## **Contents & Summary**

A list summarizing the contents of this privacy policy ("Privacy Policy") appears below, followed by the [full Privacy Policy](#). Should there be any discrepancy between the summary and the full Privacy Policy, the language of the full Privacy Policy shall govern.

- [Scope and Consent](#)

By using the Site, you expressly consent to our collection, use, disclosure, and retention of your personal information and other information as described in this Privacy Policy. Your use of the Site is also governed by the Terms of Use.

- [Information Collection](#)

We collect the following information when you use the Site:

- (a) Registration and Profile Information: When you create or update a profile on the Site, you voluntarily give us personal information.
- (b) Information to Respond to Your Requests: You may also give us your personal information when you contact us for additional assistance.
- (c) Information from Other Sources: We may, on occasion, combine information from outside sources to customize your experience on the Site and for authentication and identity verification purposes.
- (d) Content You Associate with Your Profile: You may provide us with information regarding yourself by completing a profile.
- (e) Technical Usage Information: We use tracking technologies such as cookies and other similar technologies to measure your usage of the Site.

- [Uses and Retention](#)

We use information collected from you to operate our Site and contact you. Your information is retained for as long as we need it for our business.

- [Disclosure of Information](#)

We may share your personal information and other information we collect with the following entities: (a) Early Warning Services, LLC and the rest of our corporate family; (b) our service providers; (c) Network Banks; (d) other entities with your consent; (e) legal and law enforcement; and (f) others if there is a change of control (change in ownership).

- [Cookies and Tracking Technologies](#)

We use tracking technologies (including cookies) to recognize you, protect your privacy, and customize your experience on the Site.

- [Access and Review Options](#)

You can review and edit your personal information by accessing your profile on the Site.

- [California Privacy Rights](#)

If you are a California resident, you may request information about our practices related to disclosing your personal information and how we respond to Do Not Track signals.

- [Third-Parties](#)

We are not responsible for the privacy practices of third-party websites that are linked to or from our Site.

- [Security](#)

We protect your personal information using security measures.

- [Children's Privacy](#)

The Site is not intended for children under the age of 18.

- [Notification Regarding Updates](#)

You agree that we may notify you about material changes to this Privacy Policy by posting notices on this Site.

- [Contact Us](#)

Privacy issues are covered by our Privacy Officer. For more information about our privacy practices, please continue to our full Privacy Policy below or send an email to [privacyoffice@earlywarning.com](mailto:privacyoffice@earlywarning.com).

## **Full Privacy Policy**

### **1. Scope and Consent**

When you use the Site, you are contracting with Early Warning Services, LLC, located at 16552 N. 90th Street, Scottsdale, AZ 85260. By using the Site, you expressly consent to our collection, use, disclosure, and retention of your personal information as described in this Privacy Policy.

### **2. Information We Collect**

**a. Registration and Account Information:** We collect personal information, such as your name, date of birth, postal or email addresses, telephone, mobile numbers, name of the financial institution where you hold accounts and financial account numbers, from you when you request information from the Site, register as a User or update your information throughout our Site. We may collect personal information from consumer reporting agencies in order to process your registration, verify your identity, verify your bank account information and protect against or prevent actual or potential fraud or unauthorized use.

You can browse the Site without telling us who you are or revealing any personal information about yourself.

**b. Information to Respond to Your Requests:** You may provide us your personal information when you contact us for additional assistance.

**c. Information From Other Sources:** The information we collect may be combined with information from outside records (e.g., demographic information, navigation information, and/or additional contact information) that we have acquired in accordance with the law and which will be used to customize your experience on the Site, for authentication and identity verification purposes.

**d. Content You Associate With Your Profile:** We collect any information you enter into your User profile. This includes your contact information, your bank account information, and information related to any funds you receive from our Network Banks or from Network Bank Customers.

**e. Technical Usage Information:** When you visit our Site, we collect usage information sent to us by your computer, mobile, or other access device that tells us how you are using the Site, including tracking technologies (defined below) as well as logs, annotated screenshots, and other relevant device information during quality assurance and bug testing for the Site, collectively (“usage information”). We use tracking technologies (including cookies (including cookies stored in HTML-5), flash cookies, web beacons/GIFs, embedded scripts, e-tags/cache browsers), unique device identifier, and unique identifier header to collect usage information and we also collect your IP address.

We may use tracking technologies for a variety of purposes, including:

**Operationally Necessary.** We may use tracking technologies required for system administration, to prevent fraudulent activity, and/or to improve security. We are not required to obtain your consent to tracking technologies that are operationally necessary.

**Performance-Related.** We may use cookies or other tracking technologies to assess the performance of the online services, including as part of our analytic practices to improve the content offered through the online services.

**Functionality-Related.** We may use tracking technologies to tell us, for example, whether you have visited the website before or if you are a new visitor and to help us identify the features in which you may have the greatest interest.

We may also collect password information from you when you log into the Site, as well as computer and/or connection information. During some visits we may use software tools to measure and collect session information, including page response times, download errors, time spent on certain pages and page interaction information.

Our goal is to collect and use only that information that we believe is required for our legitimate business interests, in order to authenticate and verify your identity, and to improve your experience of using the Site. To learn more about how we use tracking technologies and cookies, see Section 6 of this Privacy Policy and our [Cookies and Tracking Technologies Policy](#).

### **3. Uses and Retention**

**a. Operate Our Site:** We use the information collected to (i) respond to your requests; (ii) enable our Network Banks to complete money transfers between their customers and you; (iii) send you an email or text message to notify you of a pending money transfer; (iv) verify changes you have made to your personal information; (v) facilitate your registration on our Site as a User and to resolve issues relating to you registration; (vi) resolve a problem related to a transaction with our Network Banks; (vii) verify the existence of your bank account; (viii) verify your identity; (ix) provide customer service and obtain your feedback regarding the Site (e.g., to resolve disputes, problems with your User profile or the Site); (x) improve the Site; (xi) give you information about your clearXchange profile; and (xii) provide you with a safe, efficient, and customized experience.

**b. Analyze and Aggregate Non-Personal Information:** We use aggregate information about our users and non-personal information to analyze Site and user behavior and for general business purposes, including but not limited to data analysis, audits, developing new products, enhancing our Site, identifying usage trends, and improving services.

**c. Prevent Fraud:** We use information from the Site to prevent, detect, and investigate fraud, security breaches, potentially prohibited or illegal activities, and enforce our Terms of Use.

**d. Communicate With You:** We use your information to contact you, , to provide other services requested by you as described at the time when we collect the information from you, to contact

you for other purposes (e.g. customer service purposes ), and as otherwise authorized by law. You may not opt-out of administrative emails (for example, emails about your transactions or policy changes) for your registered profile.

**e. Retention:** We retain information as long as it is necessary and relevant for our operations.

#### **4. Disclosure**

Information collected on the Site may be shared with:

**a. The Early Warning Services, LLC Corporate Family:** We may share the information we collect about you with the Early Warning Services, LLC corporate family, including our affiliates and subsidiaries, as well as with third-party suppliers. The information may be disclosed to: (i) provide our services (e.g., registration, transactions, analytics and customer support); (ii) help detect and prevent potentially illegal acts, violations of our policies, fraud and/or data security breaches; and (iii) guide decisions about our products, sites, applications, services, tools and communications.

**b. Our Network Banks:** We may share your personal information with Network Banks and affiliates for the purposes described in Section 3 of this notice.

**c. Service Providers and Other Third-Parties:** We may disclose your information to service providers we hire to help with our business operations (such as, but not limited to, verifying your identity, fraud investigations, site analytics, and operations).

**d. Other Entities with Your Consent:** Other third-parties to whom you explicitly ask us to send your information (or about whom you are otherwise explicitly notified and consent to when using a specific service).

**e. Legal and Law Enforcement:** Law enforcement, governmental agencies, or authorized third-parties, in response to a verified request relating to a criminal investigation or alleged illegal activity or any other activity that may expose us, you, our Network Banks, or any other User to legal liability. In this regard, we may share your information with third parties in response to a subpoena, other legal process and/or as otherwise permitted by law. In such events, we will only disclose information relevant and necessary to the investigation or inquiry, such as name, city, state, zip code, telephone number, email address, user ID history, IP address, fraud complaints and anything else we may deem relevant to the investigation.

**f. Change of Control - New Owners:** We may share your information with other business entities, should we plan to merge with or be acquired by that business entity. Should such a combination occur, we will make reasonable efforts to request that the new combined entity follow this Privacy Policy with respect to your personal information. If your personal information would be used contrary to this policy, we will request that the new owner provide you with prior notice.

#### **5. Cookies and Tracking Technologies**

When you visit the Site, we and our business partners may use cookies and other tracking technologies for a variety of purposes and to enhance your online experience, for example, by remembering your log-in status and viewing preferences from a previous use of our Site, for when you later return to the Site.

A few additional important things you should know about our use of tracking technologies (e.g., cookies, HTML-5 stored technologies):

- We offer certain features that are available only through the use of tracking technologies.
- We use both persistent and temporary tracking technologies. Tracking technologies (e.g., cookies) can either be persistent (i.e., they remain on your computer until you delete them) or temporary (i.e., they last only until you close your browser). You are always free to decline tracking technologies if your browser permits, although doing so may interfere with your use of the Site. Refer to the help section of your browser, browser extensions, or installed applications for instructions on blocking, deleting, or disabling tracking technologies such as cookies.
- We use cookies and tracking technologies with your prior consent as obtained through your use of this Site.
- You may encounter tracking technologies/cookies from our third-party service providers that we have allowed on our Site that assist us with various aspects of our Site operations and services, such as Google Analytics.
- For more information about the use of cookies and similar technology on our Site, please review this Privacy Policy and our [Cookies and Tracking Technologies Policy](#).

## **6. Accessing, Reviewing, and Changing Your Personal Information**

Registered Users can review and change personal information at any time by accessing their profiles on the Site. You should promptly update your personal information if it changes or becomes inaccurate. We may retain some information from closed profiles so that we can comply with law, prevent fraud, assist with investigations, resolve disputes, analyze, or troubleshoot programs, enforce our Terms of Use, or take other actions permitted by law. Likewise, if your profile is terminated or suspended, we may maintain some information to prevent re-registration.

## **7. Notice to California Residents**

**a. How California Residents Can Request a List of Third Parties that Received Personal Information:** Residents of the State of California may request a list of all third-parties to which our Site has disclosed certain personal information (as defined by California law) during the preceding year for those third-parties' direct marketing purposes. If you are a California resident and want such a list, please contact us at [privacyoffice@earlywarning.com](mailto:privacyoffice@earlywarning.com). For all requests, you must put the statement "Your California Privacy Rights" in the body of your request, as well as your name, street address, city, state, and zip code. In the body of your request, please provide enough information for us to determine if this applies to you. You need to attest to the fact that you are a California resident and provide a current California address for our response. Please note that we will not accept requests via the telephone, mail, or by facsimile, and we are not responsible for notices that are not labeled or sent properly, or that do not have complete information.

**b. How We Respond to Do Not Track Signals for California Residents:** California Business & Professions Code Section 22575(b) (as amended effective January 1, 2014) provides that California residents are entitled to know how we respond to "Do Not Track" browser settings. We do not currently take actions to respond to Do Not Track signals because a uniform technological standard has not yet been developed. We continue to review new technologies and may adopt a standard once one is created.

### **8. Third-Parties**

Our Site may contain links to other third-party websites, such as Network Banks. We are not responsible for the privacy practices or the content of these third-party sites.

### **9. Security**

We store and process your information on our servers located in the United States. We maintain technical, physical, and administrative security measures to protect the security of your personal information against loss, misuse, unauthorized access, disclosure, or alteration. Some of the safeguards we use are firewalls, data encryption, physical access controls to our data centers and information access authorization controls. It is your responsibility to make sure that your personal information is accurate and that your password(s) and account/profile registration information are secure and not shared with third-parties.

### **10. Children's Privacy**

The Site is a general audience site and it is not intended for anyone under the age of 18. We do not knowingly collect personal information via our websites, applications, services, or tools from users in this age group.

### **11. Territorial Scope and Processing**

Currently, we only operate in the United States. Our services are available for eligible United States users only. Our computer systems are currently based in the United States. If you create an account/profile, you consent to the collection and/or processing in the United States of your personal information and tracking technologies/cookies as described in this Policy.

### **12. Notification Regarding Updates**

From time to time, we may update this Privacy Policy. You agree that we may notify you about material changes in the way we treat personal information by placing a notice on the Site. You should check the Site frequently for updates.

### **13. Contact Us**

If your questions are not answered online, you may email us at [privacyoffice@earlywarning.com](mailto:privacyoffice@earlywarning.com) or write to us at Early Warning Services, LLC, Attn: Privacy Office, 16552 N. 90th St, Scottsdale, AZ 85260.