



## CALIFORNIA VANPOOL AUTHORITY PRIVACY POLICY

*Last Updated: September 11, 2022*

This privacy policy ("Policy") explains how personal information is collected, used, disclosed and secured by the California Vanpool Authority ("Authority" CalVans "we" or "us") when you ("you", "your", "user") access the Agency web site(s) at [www.calvans.org](http://www.calvans.org) (the "Site"). If you do not agree to the terms of this Policy, please do not use the Site(s).

We reserve the right to change the provisions of this Policy at any time. We will alert you that changes have been made by indicating on the Policy the date it was updated. We encourage you to review this Policy from time to time to make sure that you understand how any personal information you provide will be used. Your continued use of the Site(s) following the posting of changes to these terms will mean you accept those changes.

### **What Is Personal Information?**

As used herein, the term "personal information" means information that specifically identifies an individual (such as a name, address, telephone number, mobile number, e-mail address, date of birth, driver's license number), or information about that individual that is directly linked to personal information. Personal information does not include "aggregate information", which is data we may collect about the use of the Site(s) or about a group or category of users, from which individual identities or other personal information has been removed. This Policy in no way restricts or limits our collection and use of aggregate information.

### **How Do We Collect Information, and What Types of Information Do We Collect?**

We collect several types of personal information about you in a number of ways when you visit or use the Site:

#### Active Collection:

We collect certain information when you voluntarily provide it, such as if you send us an email, message us through any of our social media platforms, phone call, text, claim submission or you otherwise provide or request information. Such information may include various types of personal information. Additionally, we may also collect demographic information such as your age, gender, country, zip code of residence and preferences. This demographic information may be associated with your personal information. If this demographic information is connected with personal information, we will treat the demographic information as personal information.

#### Passive Collection:

When you use the Site, no other information than the one you provided will be used. We treat this information as personal information if we combine it with or link it to any of the personal information mentioned above. Otherwise, it is used in the aggregate only.

We may also automatically collect certain information and monitor user activity through the use of "cookies" (including persistent and/or session cookies) or web beacons (also known as web bugs, pixel tags, tracking pixels, or clear gifs) on the Site. A "persistent cookie" is stored on a user's hard drive until it expires (persistent cookies are set with expiration dates) or until the user deletes the cookie. Persistent cookies help websites remember your information and settings when you visit them in the future. "Session cookies" are cookies that expire upon the conclusion of your visit to a website. These types of cookies are widely used to facilitate a consumer's interaction with a website. If you wish to block, erase, or be warned of cookies on the Site, please refer to your browser manufacturer to learn about these functions. However, if you choose to remove or reject cookies, this could affect certain features on the Site. In addition to the above, information provided by cookies, web beacons, or other devices may be used, among other things, to check that the van number matches with the name of the driver in order to track the miles covered that week/month, for monthly billing purposes.

## **Computer Misuse and Abuse: Criminal Sanctions** - California Penal Code section 502

Anyone who knowingly accesses and, without permission, uses, misuses, abuses, damages, contaminates, disrupts or destroys a computer, computer system, computer network, computer service, computer data or computer program is committing a crime. Depending on the particular violation, fines and imprisonment vary in criminal actions as well as remedies recoverable in civil actions.

**Data Breach Notice** - California Civil Code sections 1798.29 and 1798.82. This Agency owns or licenses encrypted computerized data that includes personal information, as defined, and is required to notify any California resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The type of information that triggers the notice requirement is 1) an individual's name plus one or more of the following: driver's license or California Identification Card number, or information collected through an automated driver license verification and monitoring system; or 2) user ID and password or other specified credentials permitting access to online accounts.

**Disposal of Customer Records** - California Civil Code sections 1798.80 - 1798.81 and 1798.84. This Agency is required to shred, erase or otherwise modify the personal information when disposing of driver or vendor records under our control. This Agency is afforded "safe harbor" from civil litigation for coming into possession of driver records containing personal information that were abandoned, or were submitted in error or where a volunteer driver did not move forward with the enrollment process or did not meet the qualification to become a driver. This Agency will dispose, shred, delete all records that fall into this category within 90 days of no-response from contact of the data submitted per the statute.

**Driver's License Information Confidentiality** - All qualified volunteer drivers are enrolled into the Pull Notice Program after the initial driving record is pulled. CalVans is notified when the volunteer driver has any of the following activities added to their driver record: Convictions, Failures to Appear (FTAs), Accidents, Driver license suspensions or revocations, or any other action taken against their driving privilege. Action up to termination is taken depending on the activity.

California Vehicle Code sections 1808-1821. This Agency requires verification of the identity and information specific to make a determination regarding the qualifications of a driver. The information gathered will be used solely for the purpose of monitoring a volunteer driver, and only if they are successfully enrolled. Volunteer drivers are deleted immediately when the driver becomes ineligible due to; no longer meeting qualifying program criteria; provides notice of their intent to withdrawal from the program or request to be removed as a driver. This law also limits the disclosures of personal information in records maintained by the California Department of Motor (DMV) or a third party Pull Notice Program (EPN) agent to volunteer driver employers or others.

## **How Do We Use the Personal Information We Collect?**

We use personal information we collect through the Site for the purposes described in this Policy or elsewhere on the Site.

If you no longer wish to receive email, phone calls, or direct mail from us, you may opt out of all future communication by calling CalVans at 1-866-655-5444 or sending an email to [calvans@co.kings.ca.us](mailto:calvans@co.kings.ca.us).

Further, we may make collected personal information available to third parties for their marketing and promotional purposes. If you decide that you do not want us to share your personal information with these companies for their marketing and promotional purposes, please send an e-mail to [calvans@co.kings.ca.us](mailto:calvans@co.kings.ca.us). In the email, state that you would like the Authority to not share your personal information with third parties for their marketing purposes. Your opt-out request will be processed within thirty (30) days of the date received or sooner.

## Your California Privacy Rights:

The following applies solely to California residents who have an established business relationship with the Authority. If we collect personal information from you, we may make the personal information available to third parties for their marketing and promotional purposes. If you decide that you do not want us to share your personal information with these companies for their marketing and promotional purposes, please send an e-mail to a [calvans@co.kings.ca.us](mailto:calvans@co.kings.ca.us). In this email state that you would like the Authority to not share your personal information with third parties for their marketing purposes. Your opt-out request will be processed within thirty (30) days of the date received.

## **What Personal Information Do We Share With Third Parties?**

We will not share the personal information we collect from you through the Site(s) with third parties, except as described in this Policy or on the Site(s). For example, we may share personal information to other companies when we receive a written statement allowing CalVans to share personal information.

### Aggregate Information:

We may take your personal information and make it non-personally identifiable, either by combining it with information about other individuals (aggregating your information with information about other individuals), or by removing characteristics (such as your name) that make the information personally identifiable to you (i.e., de-personalizing your information). This can include usage information and/or information that is not connected to personal information. Given the nature of this information, no restrictions apply under this Privacy Policy on our right to aggregate or de-personalize your personal information, and we may use and share in any way with third parties the resulting non-personally identifiable information.

### Transfer or Collapse or Authority:

If CalVans were to collapse or be subject to a change in entity, your personal information may be shared as a part of the transfer. If we purchase a business or acquire another entity, the personal information received with that business/entity would be treated in accordance with this Policy, if it is practicable and permissible to do so. If we sell our interest in a business, we will include provisions in the selling contract requiring the purchaser to treat your personal information in the same manner required by this Policy (including any amendments to this Privacy Policy). The provisions of this paragraph will also apply if we are collapsed as part of bankruptcy proceedings.

### Disclosures Required By Law and Disclosures to Help Protect the Security and Safety of Our Websites and Others:

We will disclose personal information when we believe in good faith that such disclosures (a) are required by law, including, for example, to comply with a court order or subpoena, or (b) will help to: enforce our policies; enforce a drawing, sweepstakes, promotions, and/or game rules; protect your safety or security, including the safety and security of property that belongs to you; and/or, protect the safety and security of our Site(s) or third parties.

## **How Can You Modify Or Delete Your Personal Information?**

You may modify or delete the personal information collected through the Site at any time by calling CalVans 1-866-655-5444 or sending an email to [calvans@co.kings.ca.us](mailto:calvans@co.kings.ca.us).

## **Does This Policy Apply to Other Websites Linked To From the Site(s)?**

The Site(s) may contain links to other websites. Any personal information you provide on linked pages or applications is provided directly to that third party and is subject to that third party's privacy policy. This Policy does not apply to such linked sites, and we are not responsible for the content or privacy and security practices and policies of these websites or any other sites that are linked to or from the Site(s). We encourage you to learn about their privacy and security practices and policies before providing them with personal information.

## **Do We Collect Information From Children/Minors Under the Age of 18?**

The Site(s) is not intended for use by children/minors under the age of 18 for enrollment or use of our transit system. The Authority does not knowingly collect or use any personal information from minors. If we become aware that we have unknowingly collected personal information from a child under the age of 18, we will make commercially reasonable efforts to delete such information from our database.

## What Steps Do We Take To Protect Your Information?

We take measures designed to protect your personal information in an effort to prevent loss, misuse, and unauthorized access, disclosure, alteration, and destruction. We provide physical, electronic, and procedural safeguards to protect information we process and maintain. Please be aware, however, that despite our efforts, no security measures are perfect or impenetrable and no method of data transmission can be guaranteed against any interception or other type of misuse. To protect the confidentiality of personal information maintained in your account, you must keep your password confidential and not disclose it to any other person. You are responsible for all uses of the Site(s) by any person using your password. Please advise us immediately if you believe your password has been misused.

## Miscellaneous

This Policy and the privacy practices of the Authority will be subject exclusively to the laws of the State of California in the United States. The Authority makes no representation that this Policy and our practices comply with the laws of any other country or jurisdiction. Users of the Site who reside outside the United States do so on their own initiative and are responsible for compliance with local laws, if and to the extent local laws are applicable. If you reside outside of the United States, by using the Site, you consent to the transfer, processing and use of your information outside your country.

**Fourth Amendment Protection Act** - California Government Code section 7599. This law prohibits the Authority from providing federal agencies with electronically stored information or metadata on any person if the Agency has actual knowledge that the federal request constitutes an illegal collection of that stored information or metadata.

**Personal Information Collected on Internet** - California Government Code section 11015.5. The Authority is required to provide notice and to obtain permission when collecting personal information electronically or before sharing an individual's information with third parties. By signing the Driver Agreement, the individual consents to the sharing of information for the purposes of insuring the volunteer driver and enrolling the volunteer driver in motor vehicle record monitoring systems.

**Insurance Information and Privacy Protection Act** - California Insurance Code section 791 and following. This Agency uses set standards for the collection, use and disclosure of personal information gathered in connection with insurance transactions by insurance companies, agents or insurance-support organizations for the purposes of enrolling qualified volunteer driver into the CalVans program. Disclosure of personal or privileged information collected or received in connection with the driver enrollment is generally prohibited unless the disclosure (1) is authorized in writing by the individual or (2) is necessary for conducting business necessary for the Authority. The individual is given an opportunity to opt-out of disclosure for marketing purposes, however is required to be enrolled and monitored under the Authority's insurance and PNP policy in effect, for the purposes of participating in the CalVans program.

Electronically collected personal information is exempt from requests made under the Public Records Act.

Government Code § 11015.5 prohibits government agencies from distributing or selling any electronically collected personal information, as defined above, about users to any third party without the permission of the user. The Department does not sell any "electronically collected personal information." Any distribution of "electronically collected personal information" will be solely for the purposes for which it was provided to us. The Agency may provide or distribute certain lists and statistical reports of regulatory information as provided by law, but no personal information is sold or distributed, and all relevant legal protections still apply to the web site.

## Questions?

If you have any questions about this Policy, please contact us at [calvans@co.kings.ca.us](mailto:calvans@co.kings.ca.us) or call 1-866- 655-5444.