

# **Frost Brown Todd LLP**

## **California Job Applicant Privacy Notice**

Effective Date: July 1, 2023

### **1. Scope and Overview**

Frost Brown Todd LLP is committed to protecting the privacy and security of your personal information. This Privacy Notice describes how Frost Brown Todd LLP (“FBT,” “we,” or “us”) collects and uses personal information about when you apply for a job with us. It also describes our expectations for those who collect and manage our job applicants’ personal information within our organization.

This Privacy Notice applies only to California-resident job applicants. Our consumer privacy policy is available [here](#).

### **2. Collection of Personal Information**

For purposes of this Privacy Notice, personal information means any information about an identifiable individual collected in connection with the recruitment process. Personal information does not include data where your identity has been removed so that we can no longer identify you (anonymous data), which we may use for any purpose.

The types of personal information that we may collect from or about you, in connection with our recruiting and onboarding activities include, but are not limited to:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Work history and other relevant experience including information contained in a resume, CV, cover letter, or job application.
- Education information including degrees awarded, transcripts, and other information provided in support of the job application.
- Information collected during phone screenings and interviews.
- Details regarding the type of employment sought, desired salary, willingness to relocate, job preferences, and other information related to compensation and benefits.
- Reference information and information received from background checks, where applicable, including information provided by third parties.
- Information related to previous applications to FBT or previous employment history with FBT.

We may collect personal information directly from you, as a job applicant. We may also collect information from third parties including, for example, in connection with a background, employment, or reference check, subject to your consent where required by law.

Failure to provide or allow us to use personal information required for our recruiting activities may affect our ability to accomplish the purposes stated in this Privacy Notice.

### **3. Use of Personal Information**

We may collect and use your personal information for recruiting and hiring purposes as well as onboarding you as a new employee if you are hired. Examples of how we may use such information include the following :

- Identifying and evaluating job applications, including assessing skills, qualifications, and interests for the purposes of determining suitability for the position for which you have applied.
- Verifying your information and carrying out employment, background, and reference checks, where applicable, subject to your consent where required by applicable law.
- Communicating with you about the recruitment process and your application.
- Verifying your eligibility for employment and, if applicable and required, supporting you with obtaining a work permit or visa.
- Keeping records related to our hiring processes, for only as long as appropriate under the circumstances.
- If you accept an offer for employment, onboarding you as a new employee.
- Improving our recruitment and onboarding practices.
- Creating and submitting reports as required by applicable laws or regulations.
- To comply with our legal, regulatory, or other corporate governance requirements.
- Analyzing and improving our application and recruitment process.

In addition to using your personal information for the position for which you have applied, we may retain and use your personal information to inform you about and consider you for other positions that may be appropriate for you, with your consent. If you want to opt-out of us considering you for other positions, you may contact us as specified below under [Contact Us](#).

We may also use your personal information for our own legitimate business purposes, including, without limitation, for the following purposes:

- To use it for the purposes for which you provided it.

- To prevent fraud.
- To ensure network and information security, including preventing unauthorized access to our computer and electronic communications systems and preventing malicious software distribution.

We may collect and process the following personal information when you voluntarily provide it, or we receive them from a third party with your consent, when relevant for a particular position to carry out our obligations under employment law, or as applicable law otherwise permits:

- Physical or mental health condition or disability status to determine appropriate workplace accommodations and evaluate fitness for a particular position.
- Race or ethnic origin to comply with statutory obligations.
- Previous criminal charges or convictions where relevant for the position.

Where we have a legitimate need to process sensitive personal information about you for purposes not identified above, we will only do so in compliance with applicable law.

#### **4. Data Sharing**

We disclose your personal information to third parties where required by law or to our employees, contractors, designated agents, or third-party service providers who require such information to assist us with administering the recruitment process, including third-party service providers who provide services to us or on our behalf. We may use third-party service providers for various purposes, including, but not limited to, obtaining employment verification and background checks, and data storage or hosting. These third-party service providers may be located outside of the country.

We do not permit our third-party service providers to process your personal information for their own purposes. We only permit them to process your personal information for specified purposes in accordance with our instructions.

We may also disclose your personal information for the following additional purposes where permitted or required by applicable law:

- To comply with legal obligations or valid legal processes such as search warrants, subpoenas, or court orders.
- To protect our rights and property and the rights of property of our subsidiaries, affiliates, and parent company.
- During emergency situations or where necessary to protect the safety of persons.
- Where the personal information is publicly available.
- If a business transfer or change in ownership occurs and the disclosure is necessary to complete the transaction.

- For additional purposes with your consent where such consent is required by law.

## **5. Data Security**

We have implemented appropriate physical, technical, and organizational security measures designed to secure your personal information against accidental loss and unauthorized access, use, alteration, or disclosure. In addition, we limit access to personal information to those employees, agents, contractors, and other third parties that have a legitimate business need for such access.

## **6. Data Retention**

We keep your personal information for as long as needed or permitted considering the purpose(s) for which it was obtained. The criteria used to determine our retention periods include (i) for as long as we have an ongoing relationship with you; (ii) as required by a legal obligation to which we are subject to; or (iii) as advisable in light of our legal position (such as in regard of applicable statutes of limitations, litigation, or regulatory investigations).

If you are offered and accept employment with us, the personal information we collected during the application and recruitment process will become part of your employment record, and we may use it in connection with your employment consistent with our employee personal information policies. If you do not become an employee, or, once you are no longer an employee with us, we will retain and securely destroy your personal information in accordance with our document retention policy and applicable laws and regulations.

## **7. Updating Your Information**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during the application process. If your personal information changes or you are concerned that we may have incorrect personal information about you, please contact us at **Human Resources, [jsnyder@fbtlaw.com](mailto:jsnyder@fbtlaw.com)** . Any such communication must be in writing.

## **8. Information Provided Pursuant to the CCPA.**

The California Consumer Privacy Act of 2018 and the California Privacy Rights Act of 2020 (collectively, the “CCPA”) requires us to provide the following information to job applicants who are California residents:

The information we collect from you is described in the [Collection of Personal Information](#) above for the purposes described in [Use of Personal Information](#) above. That information corresponds with the following categories of personal information under the CCPA.

<b>Category</b>	<b>Examples</b>	<b>Collected</b>	<b>Retention Period</b>
A. Identifiers.	A name, postal address, online identifiers, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES	We only retain personal information for the time necessary to achieve purposes described in this notice unless legal obligations require us to retain portions or all of the personal information for a longer period of time.
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, education, employment, employment history, national origin, disability, citizenship, immigration status, or medical information.  Some personal information included in this category may overlap with other categories.	YES	We only retain personal information for the time necessary to achieve purposes described in this notice unless legal obligations require us to retain portions or all of the personal information for a longer period of time.
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES	We only retain personal information for the time necessary to achieve purposes described in this notice unless legal obligations require us to retain portions or all of the personal information for a longer period of time.
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	NO	NA
E. Biometric information.	Biometric information such as facial recognition or fingerprints.	NO	NA
F. Internet or other similar network activity.	Browsing history, search history, information about interactions with our website, application, or advertisements.	YES	We only retain personal information for the time necessary to achieve purposes described in this notice unless legal obligations require us to retain portions or all of the personal information for a longer period of time.

G. Geolocation data.	Physical location or movements.	NO	NA
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	NO	NA
I. Professional or employment-related information.	Current or past job history or performance evaluations.	YES	We only retain personal information for the time necessary to achieve purposes described in this notice unless legal obligations require us to retain portions or all of the personal information for a longer period of time.
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)).	Education information subject to the federal Family Educational Rights and Privacy Act, such as student records.	YES	We only retain personal information for the time necessary to achieve purposes described in this notice unless legal obligations require us to retain portions or all of the personal information for a longer period of time.
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES	We only retain personal information for the time necessary to achieve purposes described in this notice unless legal obligations require us to retain portions or all of the personal information for a longer period of time.
L. Sensitive personal information	We do not use or disclose sensitive personal information as defined under Cal. Civ. Code § 1798.140(ae) in any way that is not permitted under Cal. Civ. Code § 1798.121.	NO	NA

***Selling or Sharing of Personal Information – Sensitive Personal Information***

We do not sell or share the personal information collected pursuant to this notice as those terms are defined under the CCPA.

We do not use or disclose sensitive personal information as defined under Cal. Civ. Code § 1798.140(ae) in any way that is not permitted under Cal. Civ. Code § 1798.121.

## **9. Your Rights and Choices**

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

### ***Access to Specific Information and Data Portability Rights***

You have the right to request that we disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request (see *Exercising Access, Data Portability, Deletion, and Correction Rights*), we will disclose to you:

- The categories of personal information we collected about you.
- The categories of sources for the personal information we collected about you.
- Our business or commercial purpose for collecting or selling that personal information.
- The categories of third parties with whom we share that personal information.
- The specific pieces of personal information we collected about you (also called a data portability request).
- If we disclosed your personal information for a business purpose, a list identifying the personal information categories that each category of recipient obtained.

### ***Deletion Request Rights***

You have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see *Exercising Access, Data Portability, Deletion, and Correction Rights* below), we will delete (and direct our service providers/contractors to delete) your personal information from our records, unless an exception applies.

We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

1. Complete the transaction for which we collected the personal information, provide goods or services that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform services for you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.

5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 et. seq.).
6. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
7. Comply with a legal obligation.
8. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

### ***Correction Requests***

If you think some of the personal information we have about you is incorrect, you have the right to request that we correct the personal information in compliance with applicable data protection law. To exercise this right, please see *Exercising Access, Data Portability, Deletion, and Correction Rights* below.

### **Exercising Access, Data Portability, Deletion, and Correction Rights**

To exercise the access, data portability, deletion, and correction rights described above, please submit a verifiable consumer request to us by:

- Emailing us at: [privacyoffice@fbtlaw.com](mailto:privacyoffice@fbtlaw.com)
- Calling us at: 1.800.793.6482

Only you, or a person registered with the California Secretary of State that you authorize to act on your behalf, may make a verifiable consumer request related to your personal information..

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

### ***Response Timing and Format***

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time, we will inform you of the reason and extension period in writing. We will deliver our written response to the email address from which you submit it.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable.

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

### **Non-Discrimination**

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you with a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

### **10. Changes to This Privacy Notice**

We reserve the right to update this Privacy Notice at any time. If such changes materially affect how we use your personal information, we will accordingly notify you.

### **11. Contact Us**

If you have any comments or questions about this Privacy Notice, please contact us at:

Frost Brown Todd LLP  
privacyoffice@fbtlaw.com  
1.800.793.6482