

FCE BENEFIT ADMINISTRATORS, INC.
NOTICE OF PRIVACY PRACTICES

Last Modified: November 1, 2019

We at FCE Benefit Administrators, Inc. (“FCE”, “our”, “we” or “us”) appreciate the trust you have placed in us as your Third Party Administrator, especially when you share your personal information with us. In the course of serving you, we are given access to information that is often both sensitive and proprietary. We want you to know that integrity—in the way we operate and the methods by which we conduct business—is a top priority and our most essential core value. As such, we take the responsibility of protecting your personal information very seriously.

This policy applies to information we collect:

- On this website at <https://fcebenefts.com/> (our “**Website**”).
- In email, text and other electronic messages between you and this website.
- In connection with our role as your Third Party Administrator.

It does not apply to information collected by any third party, including any affiliates or partners and including through any application or content that may link to or be accessible from or on our Website.

Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our Website. By accessing or using this Website, you agree to this privacy policy. This policy may change from time to time (see **Changes to Our Privacy Policy** below). Your continued use of this Website after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

Purpose of this Notice

In compliance with applicable federal and state laws, FCE is required to notify you of our privacy policy used for ensuring confidentiality. We are providing you with this document, which notifies you of the privacy policies and practices of FCE. Federal and state Privacy laws generally prohibit us from sharing nonpublic, personal information about you with a third party in a manner not permitted by law. Further, they require us to provide you with this notice of our privacy policies and practices. This policy and practice notification describe the type of information that we collect about you and the categories of persons or entities to whom that information may be disclosed.

Information We Collect

A. Information We Collect About You and How We Collect It

We collect several types of information from and about users of our Website, including information:

- Information by which you may be personally identified, such as name, postal address, age, email address, telephone number, social security number, driver’s license number, employment, financial and health data and history (“**personal information**”).
- Information about your transactions with us from the insurance companies we contact to underwrite your insurance.
- Information we receive from the Department of Motor Vehicles (“**DMV**”) or other consumer reporting agencies.
- Information contained in medical records or from medical professionals that is related to insurance claims.
- Information about your internet connection, the equipment you use to access our Website, usage details.

We collect this information:

- Directly from you when you provide it to us.
- From third parties, for example, the insurance companies we contact to underwrite your insurance, DMV or other consumer reporting agencies, medical professionals who are providing information in connection to your insurance claim with us.
- Automatically as you navigate through our Website. Information collected automatically may include usage details, IP addresses and information collected through cookies, web beacons and other tracking technologies.

We may collect nonpublic personal information from individuals other than those proposed for coverage.

B. Information You Provide to Us

The information we collect on or through our Website may include:

- Information that you provide to us by filling out applications and other forms, including financial statements, census lists and pro forma business plans.
- Information that you provide to us via our website, including applications and forms, consultation requests, claims forms, accident reports, underwriting worksheets, newsletter subscriptions, and seminar and workshop registration.
- Records and copies of your correspondence (including email addresses), if you contact us.
- Your search queries on our Website.

C. Information We Collect Through Automatic Data Collection Technologies

As you navigate through and interact with our Website, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions and patterns, including:

- Details of your visits to our Website, including traffic data, location data, logs and other communication data and the resources that you access and use on the Website.

- Information about your computer and internet connection, including your IP address, operating system and browser type.

We also may use these technologies to collect information about your online activities over time and across third-party websites or other online services (“**behavioral tracking**”). Go to the section entitled **Cookies** for information on how you can opt out of behavioral tracking on this website and how we respond to web browser signals and other mechanisms that enable consumers to exercise choice about behavioral tracking.

The information we collect automatically helps us to improve our Website and to deliver a better and more personalized service.

The technologies we use for this automatic data collection may include:

- **Cookies (or browser cookies).** A cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting you may be unable to access certain parts of our Website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Website.
- **Flash Cookies.** Certain features of our Website may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from and on our Website. Flash cookies are not managed by the same browser settings as are used for browser cookies. For information about managing your privacy and security settings for Flash cookies, see <http://www.adobe.com/devnet/security.html>.
- **Web Beacons.** Pages of our Website and our emails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags and single-pixel gifs) that permit us, for example, to count users who have visited those pages or opened an email and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).
- **Do Not Track.** Many web browsers support Do Not Track technology. If you enable Do Not Track, we will not use information about your web viewing activities to tailor your online experience.

How We Use Your Information

We use information that we collect about you or that you provide to us, including any personal information:

- To provide you with information, products or services that you request from us and to provide customer service.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
- To provide you with notices about your account, including expiration and renewal notices.
- To notify you about changes to our Website or any products or services we offer or provide through it.
- To present our Website and its contents to you.

- To fulfill any other purpose for which you provide it.
- In any other way we may describe when you provide the information.
- For any other purpose with your consent.

Information Disclosed to Third Parties

We do not disclose any personal information about you to anyone except as required by law or as described below. However, in the course of managing business on your behalf, we may disclose the information we collect (as described above) about you or others without your permission to the following types of institutions for the reasons described below:

- To a third party if the disclosure will enable that party to perform a business, professional or insurance function for us, including technical service providers, credit reporting agencies, and our attorney and auditors.
- To a medical care institution or medical professional in order to verify coverage or benefits, or conduct an audit that would enable us to verify treatment.
- To a State Insurance Division or Department of Insurance or other insurance regulatory authority, law enforcement, or other governmental authority in order to protect our interest or if we are required by law to divulge the information.
- To our subsidiaries and affiliates.
- To contractors, service providers and other third parties we use to support our business and who are bound by contractual obligations to keep personal information confidential and use it only for the purposes for which we disclose it to them.
- Where appropriate, we may share Protected Health Information to a group health plan or plan sponsor for purposes of administering benefits under the Plans or as required by law.
- To fulfill the purpose for which you provide it. For example, if you give us an email address to sign up for our newsletter, we will use your email address to send you our newsletter.
- For any other purpose disclosed by us when you provide the information.
- With your consent.

We may also disclose your personal information:

- To comply with any court order, law or legal process, including to respond to any government or regulatory request.
- To enforce or apply our terms of service and other agreements, including for billing and collection purposes.
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of us, our customers or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

We may also disclose:

- Information from your application or other forms and data.
- Information about your transaction with us, our affiliates or others, such as policy coverage, premiums, payment history, and claims experience.

- Information from consumer reporting agencies.

Other Uses of Protected Health Information

Any other uses and disclosures will be made only with your written authorization and that you make revoke such authorization by sending notice to FCE Benefit Administrators, Inc., 1528 South El Camino Real, Suite 407, San Mateo, California 94402; Attention: HIPAA Privacy Officer.

Right to Request Restrictions

You have the right to request in writing that restrictions be placed on certain uses and disclosures of your information. We are not required to agree. If we do not agree, we may not disclose any of your information except where you need emergency treatment. We may end an agreement to restrict information as allowed by federal law.

Right to Alternative Confidential Communication

If you chose to have your information sent to you by a means of your choice or to an address of your choice, we will do so if the request is reasonable. You must clearly state that disclosure of all or any part of your information could endanger you if not sent per your choice. Any such request should be sent in writing to FCE Benefit Administrators, Inc., 1528 South El Camino Real, Suite 407, San Mateo, California 94402; Attention: HIPAA Privacy Officer.

Right to Inspect and Copy Protected Health Information

You have a right to inspect and copy your claims and other health information. We may deny your request in very limited circumstances. If the information you request is maintained electronically, and you request an electronic copy, we will provide a copy in the electronic format you request, if the information can be readily produced in that form and format. If the information cannot be readily produced in that form and format, we will work with you to come to an agreement on form and format. We may charge a reasonable, cost-based fee. We are allowed by law to deny access in some cases, and subject to certain procedures. If you are denied access, you may request that the denial be reviewed by submitting a written request to FCE Benefit Administrators, Inc., 1528 South El Camino Real, Suite 407, San Mateo, California 94402; Attention: HIPAA Privacy Officer.

Right Amend Protected Health Information

You should submit a request in writing to FCE Benefit Administrators, Inc., 1528 South El Camino Real, Suite 407, San Mateo, California 94402; Attention: HIPAA Privacy Officer.

The request should include your name, address, social security number, telephone number, the specific information in dispute, and the identity of the document or record that contains the disputed information. Upon receipt of your request, we will contact you within thirty (30) business days to notify you either that we have made the correction, amendment or deletion, or that we refuse to do so and the reasons for the refusal, which you will have the opportunity to challenge.

Right to an Accounting

You have a right to request that we amend your information for up to six (6) years prior to your request. The right does not apply to certain disclosures, including the following: disclosures made to carry out treatment, payment or health care operations and certain other disclosures (such as any you asked us to make). Any request should be sent to FCE Benefit Administrators, Inc., 1528 South El Camino Real, Suite 407, San Mateo, California 94402; Attention: HIPAA Privacy Officer. Your request must be made in writing and state the time period of the request, which may not be longer than six (6) years prior to your request. The first request within a twelve (12) month period will be provided to you free of charge, any additional request within this time period may be subject to a reasonable, cost-based fee. We will notify you prior to charging a fee, and you may choose to withdraw or modify your request at that time before costs are incurred.

Rights to Access and Amend Personal Information

You have the right to request access to the personal information that we record about you. Your right includes the right to know the source of the information and the identity of the persons, institutions or types of institutions to whom we have disclosed such information within two (2) years prior to your request. It is your right to view such information and copy it in person, or request that a copy of it be sent to you by mail (for which we may charge you a reasonable fee to cover our costs). It is your right to request corrections, amendments or deletions of any information that is in our possession. The procedures that you must follow to request access to/or an amendment of your information are as follows:

To Obtain Access to Your Information

You should submit a request in writing to FCE Benefit Administrators, Inc., 1528 South El Camino Real, Suite 407, San Mateo, California 94402; Attention: HIPAA Privacy Officer.

The request should include your name, address, social security number, telephone number, and the recorded information to which you would like access. The request should state whether you would like access in person, or a copy of the information sent to you by mail. Upon receipt of your request, we will contact you within thirty (30) business days to make access arrangements or provide copies.

Right to a Paper Copy of this Notice

You have a right to a Paper Copy of this Notice, even if you agreed to receive notice by email. All requests should be in writing and sent to FCE Benefit Administrators, Inc., 1528 South El Camino Real, Suite 407, San Mateo, California 94402; Attention: HIPAA Privacy Officer.

Right to File a Complaint:

If you believe that your privacy right have been violated, you have the right to complain to us in writing to FCE Benefit Administrators, Inc., 1528 South El Camino Real, Suite 407, San Mateo, California 94402; Attention: HIPAA Privacy Officer. You may also send a complaint to the U.S. Department of Health and Human Services Office for Civil Rights, 200 Independence Avenue,

S.W., Washington D.C. 20201. Federal law prohibits retaliation or penalty against you for filing such a complaint.

Information Confidentiality and Security

We restrict access to your nonpublic, personal information to employees on a “need to know” basis. If the employee is not involved with your account, he or she does not need access to your information. We maintain physical, electronic, and procedural safeguards that comply with Federal and State regulations to guard your nonpublic personal information. We will continue to protect and treat your information as confidential.

FCE is a business associate within the scope of the Health Insurance Portability and Accountability Act of 1996 (“**HIPAA**”) and its implementing regulations. As a business associate, we restrict the use and disclosure of protected health information (“**PHI**”) on behalf of our clients. We also provide for the security of electronic protected health information (“**ePHI**”) on behalf of clients. All of our Privacy and Security policies and procedures ensure compliance with HIPAA’s privacy and security requirements.

Changes to Our Privacy Policy

It is our policy to post any changes we make to our privacy policy on this page. If we make material changes to how we treat our users’ personal information, we will notify you by email to the primary email address specified in your account, through a notice on the Website home page, or both. The date the privacy policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable email address for you, and for periodically visiting our Website and this privacy policy to check for any changes.

Dispute Resolution

Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

Right to Disclose Information

In connection with the potential sale or transfer of its interests, FCE and its affiliates (if any), reserve the right to sell or transfer your information (including but not limited to your name, address, age, sex, zip code, state and country of residency, and other information that you provide through other communications) to a third party entity that: (1) concentrates its business in a similar practice, product or service; (2) agrees to be FCE’s successor in interest with regard to the maintenance and protection of the information collected; and (3) agrees to the obligations of this privacy statement.

California

California Civil Code Section § 1798.83 permits users of our Website that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please send an e-mail to sdarling@fcebeneft.com or write us at: FCE Benefit Administrators, Inc., 1528 South El Camino Real, Suite 407, San Mateo, California 94402; Attention: HIPAA Privacy Officer.

Should you have any questions about our organization or privacy policy, please contact us at (844) 276-5146 or by email fcecorporateoffice@fcebeneft.com.