



**Element Markets, LLC  
CCPA Privacy Notice**

Last updated: April 30, 2021

**Information for California Residents**

In addition to our full Privacy Policy at <https://elementmarkets.com/privacy-policy/>, this **CCPA Privacy Notice** applies to certain California residents (“**Consumers**”) from whom we collect Personal Information as a business under the California Consumer Privacy Act of 2018 (California Civil Code §§ 1798.100 to 1798.199) and its implementing regulations, as amended or superseded from time to time (“CCPA”).

For the purposes of this CCPA Privacy Notice, “Personal Information” means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household, or as otherwise defined by the CCPA.

Personal Information does not include information that is:

- Lawfully made available from government records;
- Deidentified or aggregate information; or
- Otherwise excluded from the scope of the CCPA.

“Consumer” does not include a natural person acting as a job applicant to, employee of, owner of, manager of, officer of, medical staff member of, or contractor of Element Markets, LLC to the extent such person’s Personal Information is collected within the context of the person acting in such role. Persons acting in those roles should review the applicable CCPA Limited Privacy Notice made available by Element Markets, LLC.

***California Consumers’ Rights and Choices***

If you are a Consumer, the CCPA may permit you to request information regarding the:

- Categories of Personal Information (as defined by the CCPA) collected, sold or disclosed by us;
- Purposes for which categories of Personal Information collected by us are used;
- Categories of sources from which we collect Personal Information;
- Categories of third parties with whom we share Personal Information; and
- Specific pieces of Personal Information we have collected about you and in some cases your Household.

In addition, if you are a Consumer, you may:

- Opt out of the sale of your Personal Information, in some circumstances;
- Opt out of receiving marketing communications from us; however, you may still receive administrative communications regarding our services;
- Opt in to certain financial incentive programs we may offer related to the collection, retention, or sale of your Personal Information; and
- Request that we and our service providers delete Personal Information we have collected from you, in some circumstances.

Further, the CCPA provides Consumers with the right not to receive discriminatory treatment by a business for the exercise of these CCPA privacy rights, subject to certain limitations.

**Collection and Disclosure of Personal Information from Consumers**

The tables below outline how we handle Personal Information collected about Consumers in the preceding 12 months from the date this CCPA Privacy Notice was last reviewed.

<b>Category of Personal information we may collect: Identifiers</b>	
<b>The Personal information contains:</b>	The Identifiers may contain the following information: names, phone numbers, and addresses.
<b>Whether we have sold or otherwise disclosed the Personal information in the previous 12 months:</b>	We have not sold the Personal Information in the previous 12 months. However, we may have otherwise shared the Personal Information with third parties in the previous 12 months.
<b>Categories of Third Parties to whom the Personal Information was disclosed:</b>	We may have shared this Personal Information with the following categories of third parties: our service providers, government entities, operating systems and platforms, affiliates, third parties integrated into our services, third parties as required by law and similar disclosures, third parties in connection with a merger or sale or asset transfer.

<b>Category of Personal information we may collect: Personal Characteristics</b>	
<b>The Personal information contains:</b>	The Personal Characteristics may contain the following information: names, phone numbers, and addresses.
<b>Whether we have sold or otherwise disclosed the Personal information in the previous 12 months:</b>	We have not sold the Personal Information in the previous 12 months. However, we may have otherwise shared the Personal Information with third parties in the previous 12 months.
<b>Categories of Third Parties to whom the Personal Information was disclosed:</b>	We may have shared this Personal Information with the following categories of third parties: our service providers, government entities, operating systems and platforms, affiliates, third parties integrated into our services, third parties as required by law and similar disclosures, third parties in connection with a merger or sale or asset transfer.

<b>Category of Personal information we may collect: Internet/Electronic Activity</b>	
<b>The Personal information contains:</b>	The Internet/Electronic Activity may contain the following information: names, phone numbers, and addresses.
<b>Whether we have sold or otherwise disclosed the Personal information in the previous 12 months:</b>	We have neither sold nor otherwise shared the Personal Information with third parties during the previous 12 months.
<b>Categories of Third Parties to whom the Personal Information was disclosed:</b>	We have neither sold nor otherwise shared the Personal Information with third parties during the previous 12 months.

### ***Use of Personal Information***

The Personal Information may be used for the purposes disclosed to Consumers at the time of collection, in our general Privacy Policy (see <https://elementmarkets.com/privacy-policy/>), and for the purposes of providing our services. The Personal Information may also be used or disclosed as otherwise permitted or required by applicable law.

### ***Collection of Personal Information***

In the preceding 12 months since this CCPA Privacy Notice was last reviewed, we have collected Personal Information from the following categories of sources: indirectly from you (e.g. from observing your actions on our website), our affiliates, internet service providers and our business partners.

### ***Sale of Your Information***

We have not sold your Personal Information for the preceding 12 months from the date of the last review of this CCPA Privacy Notice.

### ***Privacy Requests***

If you are a Consumer, you can request to know what Personal information we have collected from you in the past 12 months or to delete your Personal information via [privacy@elementmarkets.com](mailto:privacy@elementmarkets.com) or <https://elementmarkets.com/privacy-policy/>.

Please be aware that we do not accept or process requests through other means (e.g., via fax or social media).

We will review the information provided and may request additional information to ensure we are interacting with the correct Consumer. If you have a password-protected online account with us, you may be required to login to your account for identity verification. If you do not have an account with us, additional information to verify your identity may be required by law before we may take action upon such a request. This additional information may vary depending on the nature of your request and/or the nature of the information about which your request relates. In some cases, we may also be required by law to obtain a signed declaration under penalty of perjury from you that you are the subject of the request being made. If we suspect fraudulent or malicious activity on or from your account, we will delay taking action on your request until we can appropriately verify your identity and the request as authentic.

After submitting your request online, you will receive a follow-up email outlining the estimated amount of time it will take to complete your request and giving further instructions. That email may also include a link you must click on in order to verify your identity. If you do not click on that link, we will be unable to complete your request due to lack of verification. It is important that you provide a valid email address in order for us to be able to process your request.

By law, we are not required to collect Personal Information that we otherwise would not collect in the ordinary course of our business, retain Personal Information for longer than we would otherwise retain such information in the ordinary course of our business, or reidentify or otherwise link information that is not maintained in a manner that would be considered Personal Information. If we have not requested specific additional information from you to verify your request, please do not send such information.

We generally will aim to avoid requesting additional information from you for the purposes of verification. However, if we cannot reasonably verify your identity or more information is needed for security or fraud-prevention purposes, we may consider any of the following factors, alone or in combination, in requesting additional information:

- The type, sensitivity, and value of the Personal Information collected and maintained about the Consumer, as applicable law requires a more stringent verification process for sensitive or valuable Personal information;
- The risk of harm to the Consumer posed by any unauthorized access or deletion;
- The likelihood that fraudulent or malicious actors would seek the Personal Information;
- Whether the Personal Information to be provided by the Consumer to verify their identity is sufficiently robust to protect against fraudulent requests or being spoofed or fabricated;
- The manner in which we interact with the Consumer;
- Available technology for verification; and
- Other factors that may be reasonable in the circumstances, are consistent with industry practice, are recommended by California government officials, or which may be required by law or regulation following the effective date of this CCPA Privacy Notice.

If your request is regarding household information, the same verification steps above may be required before we can provide you with aggregate household information. In addition, if you do not have a password-protected online account with us, for us to process a request for access to or deletion of specific pieces of information regarding your household, we may need all members of the household to make the request, and we may need to individually verify each household member and that each member making the request is currently a member of the house.

We reserve the right to charge a reasonable fee or take other appropriate action in response to requests from a Consumer or household that are manifestly unfounded or excessive, in particular because of their repetitive character.

### ***Authorized Agent Requests***

You may designate an authorized agent to make a request on your behalf pursuant to applicable law. We accept documentation of your designation in the form of a valid power of attorney and/or a written authorization signed by you and the authorized agent. You may submit evidence of your designation of an authorized agent in writing to: Element Markets LLC, ATTN: Privacy Requests 3200 Southwest Freeway, Suite 1310, Houston, TX 77027, USA.



We may require verification of your authorized agent in addition to the information for verification above for Consumers and households.

***Children***

Our services are not directed to children, and we do not knowingly collect or sell Personal Information from children under the age of 16. If you learn that a child has provided us with Personal Information, then you may contact us through the Contact Us section below.

***Notice of Financial Incentive***

We do not offer financial incentives to Consumers based upon the collection, retention or sale of a Consumer's Personal Information.

***Contact Us***

If you have any questions or concerns regarding this CCPA Privacy Notice, contact [privacy@elementmarkets.com](mailto:privacy@elementmarkets.com).

-End-