

# Privacy Notice for California Employees, Job Applicants, and Contractors

**Effective Date:** January 25, 2023

**Last Updated or Reviewed on:** January 25, 2023

This **Privacy Notice for California Employees, Job Applicants, and Contractors** applies solely to employees, job applicants, or contractors who reside in the State of California (“you”). Sleep Data Services LLC dba: BetterNight Services; Sleep Data Holdings, LLC dba: BetterNight; SD Diagnostics, Inc. dba: BetterNight Medical Group; and Edward Sall Dental Corporation, Inc. dba: SleepAlliance (“Sleep Data”, “BetterNight” or “we”) adopts this notice to comply with the California Consumer Privacy Act (CCPA) and any terms defined in the CCPA have the same meaning when used in this notice.

## Information We Collect

We collect information from our employees, job applicants, and contractors that identifies, relates to, describes, references, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular individual or household (“**personal information**”). In particular, BetterNight has collected the following categories of personal information from its employees or job applicants within the last twelve (12) months:

Category	Examples	Purpose	Third Parties Shared
Identifiers	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver’s license number, passport number, or other similar identifiers.	<p>(a) Performance of employment activities, including conducting payroll or providing other benefits</p> <p>(b) Necessary for our legitimate business interests, including to recruit and hire candidates</p> <p>(c) Necessary to comply with a legal obligation, for example, background screening, required data reporting</p>	<p>(a) Human resources information service providers</p> <p>(b) Financial investment service providers</p> <p>(c) Insurance providers</p> <p>(d) Payroll service providers</p> <p>(e) Physical security vendors</p>
Customer Records	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver’s license or state identification card number, insurance policy	<p>(a) Performance of employment activities, including conducting payroll or providing other benefits</p> <p>(b) Necessary for our legitimate business</p>	<p>(a) Human resources information service providers</p> <p>(b) Financial investment service providers</p> <p>(c) Insurance providers</p>

Category	Examples	Purpose	Third Parties Shared
	number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information.	interests, including to recruit and hire candidates  (c) Necessary to comply with a legal obligation, for example, background screening, required data reporting	(d) Payroll service providers  (e) Physical security vendors
Protected classification characteristics	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), reproductive health decision-making, sexual orientation, veteran or military status, genetic information (including familial genetic information).	(a) Necessary for our legitimate business interests  (b) Necessary to comply with a legal obligation	(a) Human resources information service providers  (b) Payroll service providers
Biometric information	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	(a) Necessary for our legitimate business interests, including to recruit and hire candidates and determine and assess tendencies and performance	(a) Human resources information service providers  (b) Talent assessment service providers
Internet or other similar network activity	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	(a) Necessary for our legitimate interests (b) Necessary to comply with a legal obligation	(a) Analytics and business intelligence vendors (b) Security vendors
Geolocation data	Physical location or movements while using	(a) Performance of an employment activities,	(a) Human resources information service

Category	Examples	Purpose	Third Parties Shared
	company vehicles or other company property	including conducting payroll or providing other benefits  (b) Necessary for our legitimate business interests, including to detect fraud and ensure safety	providers (b) Payroll service providers (c) Security vendors
Professional or employment-related information	Current or past job history or performance evaluations.	(a) Necessary for our legitimate business interests, including to verify task training and to recruit and hire candidates	(a) Human resources information service providers (b) Payroll service providers
Inferences	Profile reflecting a person’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	(a) Necessary for our legitimate business interests, including to recruit and hire candidates and determine and assess tendencies and performance	(a) Human resources information service providers (b) Talent assessment service providers
Sensitive personal information	Personal information that reveals government IDs; information providing access to a financial account; racial or ethnic origin; personal information collected and analyzed concerning a consumer’s health, sex life, or sexual orientation.	(a) Necessary for our legitimate interests  (b) Necessary to comply with a legal obligation, including mandatory government reporting for payroll purposes	(a) Human resources information service providers (b) Payroll service providers (c) Government entities or regulators

BetterNight obtains the categories of personal information listed above from the following categories of sources:

- Directly from you. For example, from forms you complete or information you provide during the application process.
- Indirectly from you. For example, from observing your actions with computer systems, software or other platforms offered by BetterNight.
- Third Parties. For example, from vendors used for aptitude and ability testing.

**Additional Uses of Personal Information**

In addition to the uses described above, BetterNight may also use your personal information for the following purposes:

- To investigate and help prevent fraud, conduct workplace investigations, or otherwise ensure compliance with policies and procedures.

- To help assess job applicants and/or candidates for potential employment.
- To manage performance of employee job duties, including promotions, disciplinary action, and/or termination.
- To provide you with support and to respond to your inquiries, including to investigate and address your workplace concerns and monitor and improve our responses.
- To help maintain the safety, security, and integrity of our systems, services, databases and other assets.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- As described to you when collecting your personal information or as otherwise set forth in the CCPA.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of BetterNight’s assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by BetterNight about employees or job applicants is among the assets transferred.

### **Disclosure of Personal Information**

BetterNight may disclose your personal information for business purposes by disclosing it to the categories of third parties identified in the chart above.

BetterNight does not sell or share (for cross-context behavioral advertising) your personal information as those terms are defined in the CCPA.

BetterNight does not use or disclose sensitive personal information outside of the scope of permissible purposes under the CCPA.

### **Retention Periods**

BetterNight will generally retain information about you for so long as we have a legal or business purpose for it or a legal requirement to maintain it. The criteria used to determine our retention periods include:

- The length of time we have an ongoing relationship with you (for example, for as long as you are an employee or prospective employee) and the length of time thereafter during which we may have a legitimate need to reference your personal information to address issues that may arise;
- Whether there is a legal or ethical obligation to which we are subject (for example, certain laws require us to keep records for a certain period of time before we can delete them); or
- Whether retention is advisable in light of our legal position (such as in regard to applicable statutes of limitations, litigation or regulatory investigations).

### **Your Rights and Choices**

You may have rights regarding your personal information. This section describes the rights you may have and explains how to exercise those rights.

*Access to Specific Information:* You may have the right to request that BetterNight disclose certain information to you about our collection and use of your personal information over the past 12 months, including:

*Deletion Request Rights:* You may have the right to request that BetterNight delete any of your personal information that we collected from you and retained, subject to certain exceptions. If an exception applies, we will advise you of the applicable exception and the reason for denying your request.

*Correction Request Rights:* You may have the right to request that BetterNight correct any inaccurate personal information we may hold about you. We will use commercially reasonable efforts to correct inaccurate personal information, taking into the account the nature of the personal information and the purpose for our processing.

*Non-Discrimination:* We will not discriminate against you for exercising any of your rights.

### **Exercising Your Rights**

To exercise any of your rights described above, please submit a request by:

- Sending an email or calling Brad Redmon in Human Resources at 619-299-6299 x2488 or bredmon@betternight.com.
- Submitting a request through email to HR@BetterNight.com.

We may need to validate your request. In order to validate your request, we may ask you for the following information: your name, dates of employment, or your department. Only you or an authorized agent may make a request related to your personal information. To designate an authorized agent to make a request on your behalf, please provide us with a power of attorney or other legally binding written document signed by you and identifying your agent. We may also verify the identity of your designated agent.

### **Changes to This Privacy Notice**

BetterNight reserves the right to amend this privacy notice at our discretion and at any time. When we make substantive changes to this privacy notice, we will notify you of the changes via e-mail and post the updated notice on Paylocity and update the notice's effective date.

### **Questions About This Privacy Notice**

If you have any questions or comments about this notice or the ways in which BetterNight collects and uses your information, please contact: Brad Redmon in Human Resources at 619-299-6299 x2488 or bredmon@betternight.com.