



# Privacy Notice to California Employees and Contractors Regarding the Collection of Personal Information

Effective Date: September 2023

Gunderson Dettmer Stough Villeneuve Franklin & Hachigian, LLP and its operating groups, subsidiaries and affiliates, (the “Firm,” “us” or “we”) are committed to protecting the privacy and security of the personal information of our current and former employees (“Employees”) and contractors (together with Employees, “Personnel” or “you”) and their emergency contacts and beneficiaries. This Personnel Privacy Notice (the “Privacy Notice”) explains how we treat your personal information if you are one of our Personnel and you are a resident of the State of California. In this Privacy Notice, we use the term “personal information” as it is defined in the CPRA. If you are Personnel resident in California, you have certain rights under the California Consumer Privacy Act of 2018, as amended by the California Privacy Rights Act of 2020 (“CPRA”), with respect to your personal information. These rights are outlined below.

As we improve our operations and business, we may need to change this Privacy Notice from time to time. We will alert you to any changes by placing a notice on the Firm’s intranet, by sending you an email and/or by other means.

## What Categories of Personal Information Do We Collect?

This chart details the categories of personal information that we collect and have collected over the past twelve (12) months:

Category of Personal Information	Examples of Personal Information We Collect	Categories of Third Parties With Whom We Share This Personal Information
<b>Identifiers</b>	<ul style="list-style-type: none"> <li>• Real name</li> <li>• Alias</li> <li>• Postal address</li> <li>• Unique personal identifier (including, telephone number or device identifier) or online identifier</li> <li>• IP address</li> <li>• Email address</li> <li>• Account name</li> <li>• Social security number</li> <li>• Driver’s license number or passport number</li> <li>• Other similar identifiers</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Affiliates</li> </ul>
<b>Categories of Personal Information Described in California Customer Records Act (Cal. Civ. Code § 1798.80(e))</b>	<ul style="list-style-type: none"> <li>• Name</li> <li>• Signature</li> <li>• Social security number</li> <li>• Address</li> <li>• Telephone number</li> <li>• Passport number, driver's license or state identification card number</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Affiliates</li> </ul>

Category of Personal Information	Examples of Personal Information We Collect	Categories of Third Parties With Whom We Share This Personal Information
	<ul style="list-style-type: none"> <li>• Educational information</li> <li>• Employment or employment history</li> <li>• Bank account number, credit card number, debit card number or any other financial information</li> <li>• Medical information or health insurance information, including COVID-19-related information, such as:               <ul style="list-style-type: none"> <li>○ your symptoms of COVID-19; whether you have been tested for COVID-19; any statements from you that you have COVID-19 or suspect you have COVID-19; our notes or other documentation from screening you about symptoms of COVID-19 or that result from any COVID-19 test that we provide; COVID-19-related doctors' notes pertaining to your absences from work or work limitations/restrictions, or certifying fitness to return to work, requests for accommodation and/or that you are receiving an accommodation; correspondences with you and/or your health care provider(s) regarding any of the foregoing; and our notes or other documentation in connection with your COVID-19 vaccination status (including, without limitation, proof of receipt of a COVID-19 vaccine).</li> </ul> </li> </ul>	
<b>Characteristics of Protected Classifications under California or Federal Law</b>	<ul style="list-style-type: none"> <li>• Race</li> <li>• National origin</li> <li>• Physical or mental disability</li> <li>• Medical condition</li> <li>• Marital status</li> <li>• Sex, gender, gender identity, or gender expression</li> <li>• Age</li> <li>• Sexual orientation</li> <li>• Military and veteran status</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Affiliates</li> </ul>
<b>Internet or Other Electronic Network Activity Information</b>	<ul style="list-style-type: none"> <li>• Browsing history or search history</li> <li>• Information regarding Personnel's interaction with an internet website, application, or advertisement</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Affiliates</li> </ul>

Category of Personal Information	Examples of Personal Information We Collect	Categories of Third Parties With Whom We Share This Personal Information
	(including chats and instant messaging)	
<b>Geolocation Data</b>	<ul style="list-style-type: none"> <li>• IP-address-based location information</li> <li>• GPS data</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Affiliates</li> </ul>
<b>Photos, Videos, or Recordings</b>	<ul style="list-style-type: none"> <li>• Photos, videos or recordings of Personnel</li> <li>• Photos, videos or recordings of Personnel environment</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Affiliates</li> </ul>
<b>Professional or Employment-Related Data</b>	<ul style="list-style-type: none"> <li>• Resume</li> <li>• Job title</li> <li>• Job history</li> <li>• Performance evaluations</li> <li>• Performance management information, such as employment status (full-time or part-time, regular or temporary), work schedule, job assignments, hours worked, accomplishments and awards</li> <li>• Training and development information</li> <li>• Discipline and counselling information</li> <li>• Employment termination information</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Affiliates</li> </ul>
<b>Education Information (as defined in the Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99))</b>	<ul style="list-style-type: none"> <li>• Grades or transcripts</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Affiliates</li> </ul>
<b>Categories of Personal Information Considered “Sensitive” Under the California Privacy Rights Act</b>	<ul style="list-style-type: none"> <li>• Social security, driver’s license, state identification card or passport numbers</li> <li>• Account log-in, password or credentials allowing access to an account</li> <li>• Precise geolocation</li> <li>• Racial or ethnic origin</li> <li>• Contents of Personnel mail, email, and text messages where the Firm is not the intended recipient of the communication</li> <li>• Personal information concerning sexual orientation</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Affiliates</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• Personal information about Employees’ dependents under the age of 16.</li> <li>• Emergency contact information (including, name, postal address, telephone number and relationship to Employee)</li> <li>• Beneficiary information (including, name, postal address, telephone number, birth date, social security number and relationship to Employee)</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Affiliates</li> </ul>

## Categories of Sources of Personal Information

We collect personal information from the following categories of sources:

- **You**
  - When you provide such information directly to us.
- **Public Records**
  - From the government or other sources.
- **Third Parties.** For example, we may collect information from:
  - Vendors
    - Recruiters.
    - Pre-employment screening services.
    - Credentialing and licensing organizations.
    - Consumer reporting agencies.
  - Prior employers (e.g., for references)
  - Professional references
  - Educational institutions
  - Publicly Available Sources
    - Social networks, including your social media profile (e.g., LinkedIn, Twitter and Facebook).
    - Other sources you identify or refer us to.

## Our Commercial or Business Purposes for Collecting or Disclosing Personal Information

- **Employing and/or Engaging Personnel and Operating, Hosting and Facilitating Our Operations and Business**
  - Processing and managing Personnel applications.
  - Conducting background and reference checks.
  - Providing immigration support.
  - Entering into contracts.
  - Onboarding Personnel.
  - Enrolling and administering employment benefits.
  - Paying Personnel.
  - Implementing, managing and improving the Firm's recruitment process, diversity and inclusion programs and Employee wellness programs.
  - Implementing health and safety measures and maintaining a safe workplace, assessing Personnel working capacity and administering health and Workers' Compensation insurance programs.
  - Ensuring that Personnel properly log in to Firm equipment and ensuring that authorized Personnel have access to secured locations in the Firm.
  - Managing workflow, dispatching Personnel to customers, and performing services for the Firm's customers.
  - Managing the Firm's relationship with Personnel.
  - Carrying out job promotion processes, including to evaluate Employees for promotions.
  - Featuring Employees in marketing materials and on the Firm's website.
  - Meeting or fulfilling the reason you provided the information to us.
  - Maintaining the security of our systems and property, and doing fraud protection, security and debugging.

- Carrying out other business or employment-related purposes stated when collecting your personal information or as otherwise set forth in applicable data privacy laws, such as the CPRA.
- **Meeting Legal Requirements and Enforcing Legal Terms**
  - Fulfilling our legal obligations under applicable law, regulation, court order or other legal process, such as preventing, detecting and investigating security incidents and potentially illegal or prohibited activities, or responding to lawful requests by public authorities, including to meet national security or law enforcement requirements.
  - Protecting the rights, property or safety of you, the Firm or another party.
  - Enforcing any agreements with you.
  - Responding to claims.
  - Resolving disputes.

We will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated or incompatible purposes without providing you notice.

## How We Share Personal Information

We disclose your personal information to the categories of service providers and other parties listed in this section.

- **Affiliates.** Our affiliates help us to perform business functions on our behalf.
- **Service Providers.** These parties help us to perform business functions on our behalf. They include:
  - Hosting, technology and communication providers.
  - Security and fraud prevention consultants.
  - Background and reference check screening services.
  - Hiring process and benefits management and administration tools.
  - Health and safety technology providers (such as providers of telethermographic systems to measure body temperature), COVID-19 screening services and COVID-19 testing providers.

### Legal Obligations

We may share any personal information that we collect with third parties in conjunction with any of the activities set forth under “Meeting Legal Requirements and Enforcing Legal Terms” in the “Our Commercial or Business Purposes for Collecting or Disclosing Personal Information” section above.

### Business Transfers

All of your personal information that we collect may be transferred to a third party if we undergo a merger, acquisition, bankruptcy or other transaction in which that third party assumes control of our business (in whole or in part). Should one of these events occur, we will make reasonable efforts to notify you before your information becomes subject to different privacy and security policies and practices.

### Information that is Not Personal Information

We may create aggregated, de-identified or anonymized data from the personal information we collect, including by removing information that makes the data personally identifiable to a particular member

of our Personnel. We may use such aggregated, de-identified or anonymized data and share it with third parties for our lawful business purposes, including to operate, host and facilitate our operations and business, provided that we will not share such data in a manner that could identify you.

## Data Security

We seek to protect your personal information from unauthorized access, use and disclosure using appropriate physical, technical, organizational and administrative security measures based on the type of personal information and how we are processing that information. You should also help protect your data by appropriately selecting and protecting your password and/or other sign-on mechanism, limiting access to your computer or device and browser, and signing off after you have finished accessing your account. Although we work to protect the security of your account and other data that we hold in our records, please be aware that no method of transmitting data over the internet or storing data is completely secure.

## Data Retention

We retain personal information about you for as long as necessary to perform our business or commercial purposes, including employment-related purposes, for collecting your personal information. When establishing a retention period for specific categories of personal information, we consider who we collected the personal information from, our need for the personal information, why we collected the personal information, and the sensitivity of the personal information. In some cases we retain personal information for longer, if doing so is necessary to comply with our legal obligations, resolve disputes or collect fees owed, or is otherwise permitted or required by applicable law, rule or regulation. We may further retain information in an anonymous or aggregated form where that information would not identify you personally.

## Personnel Rights

You have the rights set forth in this section. Please see the “Exercising Your Rights Under the CPRA” section below for instructions regarding how to exercise these rights.

### Access

You have the right to request certain information about our collection and use of your personal information over the past twelve (12) months. In response, we will provide you with the following information:

- The categories of personal information that we have collected about you.
- The categories of sources from which that personal information was collected.
- The business or commercial purpose for collecting
- The categories of third parties with whom we have shared your personal information.
- The specific pieces of personal information that we have collected about you.

If we have disclosed your personal information to any third parties for a business purpose over the past twelve (12) months, we will identify the categories of personal information shared with each category of third-party recipient. If we have sold your personal information over the past twelve (12) months, we will identify the categories of personal information sold to each category of third-party recipient.

### Deletion

You have the right to request that we delete the personal information that we have collected about you. Under the CPRA, this right is subject to certain exceptions, for example we may need to retain your personal information if deletion of your personal information involves disproportionate effort. If your deletion request is subject to one of the CPRA exceptions, we may deny your deletion request.

### Correction

You have the right to request that we correct any inaccurate personal information we have collected about you. Under the CPRA, this right is subject to certain exceptions, for example, if we decide, based on the totality of circumstances related to your personal information, that such data is correct. If your correction request is subject to one of the CPRA exceptions, we may deny your request.

### Processing of Sensitive Personal Information Opt-Out

We collect personal information that is considered “sensitive personal information” under the CPRA. Consumers have certain rights over the processing of their sensitive personal information. Please note that we only use or disclose your sensitive personal information for the purposes set forth in section 7027(m) of the CPRA regulations and we do not collect or process sensitive personal information with the purpose of inferring any characteristics about California residents.

### Personal Information Sales Opt-Out and Opt-In

We will not sell your personal information, and have not done so over the last twelve (12) months. We do not sell the personal information of minors under sixteen (16) years of age.

### Personal Information Sharing Opt-Out and Opt-In

Under the CPRA, you have certain rights when a business “shares” personal information with third parties for purposes of cross-contextual behavioral advertising. We will not share your personal information for cross-contextual behavioral advertising, and have not done so over the last twelve (12) months. We do not share the personal information of minors under sixteen (16) years of age for purposes of cross-contextual behavioral advertising.

### We Will Not Discriminate Against You for Exercising Your Rights Under the CPRA

We will not discriminate against you for exercising your rights under the CPRA. Personnel will not be subject to any retaliation or disciplinary action for exercising their rights under the CPRA.

## **Exercising Your Rights Under the CPRA**

To exercise the rights described in this Privacy Notice, you or your Authorized Agent (defined below) must send us a request that (1) provides sufficient information to allow us to verify that you are the person about whom we have collected personal information, and (2) describes your request in sufficient detail to allow us to understand, evaluate and respond to it. Each request that meets both of these criteria will be considered a “Valid Request.” We may not respond to requests that do not meet these criteria. We will only use personal information provided in a Valid Request to verify your identity and complete your request.

We will work to respond to your Valid Request within the time period required by applicable law. We will not charge you a fee for making a Valid Request unless your Valid Request(s) is excessive, repetitive or manifestly unfounded. If we determine that your Valid Request warrants a fee, we will notify you of the fee and explain that decision before completing your request.

You may submit a Valid Request using the following methods:

- Email us at: [hrgroup@gunder.com](mailto:hrgroup@gunder.com)
- Call us at: 650-321-2400

You may also authorize an agent (an “Authorized Agent”) to exercise your rights on your behalf. To do this, you must provide your Authorized Agent with written permission to exercise your rights on your behalf, and we may request a copy of this written permission from your Authorized Agent when they make a request on your behalf.

## Contact for Questions

If you have any questions or comments regarding this Privacy Notice, the ways in which we collect and use your personal information or your choices and rights regarding such collection and use, please contact:

- [hrgroup@gunder.com](mailto:hrgroup@gunder.com)
- 650-321-2400
- 550 Allerton Street, Redwood City, CA 94063

Personnel with disabilities may access this Privacy Notice in an alternative format by contacting [hrgroup@gunder.com](mailto:hrgroup@gunder.com) or 650-321-2400.