

## Privacy Policy

This privacy policy has been compiled to better serve those who are concerned with how their “Personal Identifiable Information” (PII), is being used online. PII, as used in US privacy law and information security, is information that can be used on its own or with other information to identify, contact, or locate a single person, or to identify an individual in context. Please read our privacy policy carefully to get a clear understanding of how we collect, use, protect, or otherwise handle your Personally Identifiable Information in accordance with our website.

### **What personal information do we collect from the people that visit our blog, website, or app?**

When ordering or registering on our site, as appropriate, you may be asked to enter your name, email address, mailing address, phone number, credit card, SSA, or other details to help with your experience.

### **When do we collect information?**

We collect information from you when you register on our site, fill out a form, or enter information on our site.

### **How do we use your information?**

We may use the information we collect from you when you register, make a purchase, sign up for our newsletter, respond to a survey or marketing communication, surf the website, or use certain other site features in the following ways:

- To personalize user experience and to allow us to deliver the type of content and product offerings in which you are most interested.
- To improve our website in order to better serve you.
- To allow us to better service you in responding to your customer service requests.
- To quickly process your transactions.
- To send periodic emails regarding your order or other products and services.

### **How do we protect visitor information?**

- Our website is scanned on a regular basis for security holes and known vulnerabilities in order to make your visit to our site as safe as possible.
- We use regular Malware Scanning.
- Your personal information is contained behind secured networks and is only accessible by a limited number of people, who have special access rights to such systems, and are required to keep the information confidential. In addition, all sensitive/credit information you supply is encrypted via Secure Socket Layer (SSL) technology.

- We implement a variety of security measures when a user places an order, enters, submits, or accesses their information to maintain the safety of your personal information.
- All transactions are processed through a gateway provider and are not stored or processed on our servers.

### **Do we use “cookies”?**

Yes, cookies are small files that a site or its service provider transfers to your computer’s hard drive through your web browser (if you allow) that enables the site’s or service provider’s systems to recognize your browser and capture and remember certain information.

### **We use cookies to:**

- Understand and save user’s preference for future visits
- Keep track of advertisements
- Compile aggregate data about site traffic and interactions in order to offer better site experiences and tools in the future. We may also use trusted third-party services that track this information on our behalf.

You can choose to have your computer warn you each time a cookie is being sent, or you can choose to turn off all cookies. You do this through your browser’s settings. Each browser is a little different so you’ll need to review your browser’s Help menu to learn the correct way to modify your cookies. If you disable cookies, some features on the site may be disabled. It will not affect the user’s ability to place orders, however, some of the features used to create a more efficient experience may not function properly.

### **Third Party Disclosure**

We do not sell, trade, or otherwise transfer your information to outside parties or affiliates. This does not include website hosting partners who assist us in operating our website, conducting our business, or servicing you, so long as those parties agree to keep this information confidential. We may also release your information when we believe release is appropriate or complies with the law, enforces our site policies, or protects ours or other’s rights property, or safety. However, non-personally identifiable visitor information may be provided to other parties for marketing, advertising, or other uses.

### **Third Party Links**

Occasionally, at our discretion, we may include or offer third party products or services on our website. These third-party sites have separate and independent privacy policies. Therefore, we have no responsibility or liability for the content and activities of these linked sites.

Nonetheless, we seek to protect the integrity of our site and welcome any feedback about these sites.

### **Google**

Google's advertising requirements can be summed up by Google's Advertising Principals. They are put in place to provide a positive experience for users.

<https://support.google.com/adwordspolicy/answer/1316548?hl=en> We have not enabled Google AdSense on our website but may do so in the future.

### **California Online Privacy Protection Act**

CalOPPA is the first state law in the nation to require commercial websites and online services to post a privacy policy. The law's reach stretches well beyond California to require a person or company in the United States (and conceivably the world) that operates websites collecting personally identifiable information from California consumers to post a conspicuous privacy policy on its website stating exactly the information being collected and those individuals with whom it's being shared with, and to comply with this policy.

<https://consumercal.org/california-online-privacy-protection-act-caloppa/#sthash.0FdRbT51.dpuf>

### **CCPA Privacy Policy**

Under the CCPA, among other rights, California consumers have the right to:

- Request that a business that collects a consumer's personal data, disclose the categories and specific pieces of personal data that a business has collected about consumers.
- Request that a business delete any personal data about the consumer that a business has collected
- Request that a business that sells consumer personal data, not sell the consumer's personal data.
- Responses will be received within 1 month

### **According to CalOPPA, we agree to the following:**

- Users can visit our site anonymously
- A link to our privacy policy
- Our privacy policy link includes the word Privacy and can be easily found on the website
- Users will be notified of changes to our privacy policy on our privacy policy page

- Users are able to change the personal information by:
  - Emailing
  - Calling
  - Logging into their account

#### **How does our site handle do not track signals**

We honor do not track signals and do not track, plant cookies, or use advertising when a do not track (DNT) browser mechanism is in place.

#### **Does our site allow third part behavioral tracking?**

It's important to note that we do not allow third party behavioral tracking.

#### **COPPA (Children Online Privacy Protection Act)**

When it comes to the collection of personal information from children under 13, the Children's Online Privacy Protection Act (COPPA) puts parents in control. The Federal Trade Commission, the nation's consumer protection agency, enforces the COPPA Rule, which spells out what operators of websites and online services must do to protect children's privacy and safety online. We do not specifically market to children under 13.

#### **Fair Information Practices**

The Fair Information Practices Principles form the backbone of privacy law in the United States and the concepts they include have played a significant role in their development of data protection laws around the globe. Understanding the Fair Information Practice Principles and how they should be implemented is critical to comply with the various privacy laws that protect personal information.

#### **In order to be in line with Fair Information Practices, we will take the following responsive action should a data breach occur:**

- We will notify the users by email
  - Within 7 business days
- We will notify the users via site notification
  - Within 7 business days
- We also agree to the individual redress principal, which requires that individuals have a right to pursue legally enforceable rights against data collectors and processors who fail to adhere to the law. This principal requires not only that the individuals have recourse to courts or a government agency to investigate and/or prosecute non-compliance by data processors.

### **CAN SPAM Act**

The CAN-SPAM Act is a law that sets the rules for commercial email, establishes requirements for commercial messages, gives recipients the right to have emails stopped from being sent to them, and spells out tough penalties for violations.

#### **We collect your email address in order to:**

- Send information, respond to inquiries, and/or other requests or questions.
- Process orders and to send information and updates pertaining to orders.
- We may also send you additional information related to your product and/or service.
- Market to our mailing list or continue to send emails to our clients after the original transaction has occurred.

#### **To be in accordance with CANSPAM, we agree to the following:**

- Not use false or misleading subjects or email addresses.
- Identify the message as an advertisement in some reasonable way.
- Include the physical address of our business or site headquarters.
- Monitor third part email marketing services for compliance, if one is used.
- Honor opt-out/unsubscribe requests quickly.
- Allow users to unsubscribe by using the link at the bottom of each email.

#### **If at any time you would like to unsubscribe from receiving future emails, you can:**

- Follow the instructions at the bottom of each email and we will remove you from ALL correspondence.

### **Phone Call & SMS Policy**

Appraisal Nation is firmly committed to compliance with the Telephone Consumer Protection Act (TCPA) and The Campaign Registry (TCR) rules and regulations. It is our policy that all personnel and third-party service providers abide by applicable TCPA requirements and restrictions.

The TCPA is a broad consumer protection statute that restricts telemarketing, autodialed, and pre-recorded calls and messages to residential and wireless telephone numbers and regulates facsimile advertisements. See 47 U.S.C.S. § 227. The TCPA was enacted in response to public concern about automatic telephone dialing systems (“ATDS”), artificial and pre-recorded phone calls, and unsolicited facsimile advertisements. Congress authorized the FCC to amend the TCPA to better effectuate its purposes and clarify ambiguities. 47 U.S.C.S. § 227(b), (c). Pursuant to

that rule-making authority, the FCC outlined specific compliance obligations that inform most TCPA litigation. See 47 C.F.R. § 64.1200. The Company and any third-party service providers who contact consumers using telephone calls, text messages, or fax, are subject to TCPA restrictions. Text messages are considered calls under the TCPA. See *Campbell-Ewald Co. v. Gomez*, 136 S. Ct. 663, 667 (2016).

Failure to comply with the TCPA can result in liability, damages, fines, and costly litigation. TCPA violations can be brought through private actions or enforced by state attorneys general or the FCC. See 47 U.S.C.S. § 227(b). Statutory damages for violations can range from \$500 up to \$1,500 per violation, if the violation was intentional and knowing. see 47 U.S.C.S. § 227(b) (3)(A), (B). Businesses and entities can generally avoid TCPA compliance issues if they obtain proper express written consent, provide clear opt-out procedures, disclose the scope of the message, and sufficiently maintain, update, and follow Do Not Call (“DNC”) lists. See 47 C.F.R. § 64.1200.

This form provides an overview of statutory terms, a TCPA compliance checklist to avoid potential liability, relevant recent TCPA legislation, an example of a written consent form, and a Do Not Call policy.

### **Pertinent Statutory Terms**

TCPA liability is often determined by the meaning of terms in the statute and regulations. Key terms are outlined below.

#### **Pertinent Statutory Terms Automatic Telephone Dialing System (ATDS)**

The statute defines ATDS as “equipment which has the capacity (A) to store or produce telephone numbers to be called, using a random or sequential number generator; and (B) to dial such numbers.” See 47 U.S.C.S. § 227(a)(1). Circuit courts’ interpretations of what constituted an ATDS varied widely, some defined it as broadly as any system that could dial numbers from stored lists. *Facebook, Inc. v. Duguid*, 141 S. Ct. 1163, 1168 (2021). In *Duguid*, the Supreme Court narrowed the definition to include only equipment that has the capacity (1) to store a telephone number using a random or sequential number generator, or (2) produce a telephone number using a random or sequential number generator. *Duguid*, 141 S. Ct. 1170. (emphasis added). For equipment to qualify as an ATDS, it must use a random or sequential number generator. However, the questions what “capacity” means and whether a device which uses a random generator to determine the order in which to contact phone numbers from a preproduced list constitutes an ATDS remain unanswered.

### **Prior Express Consent**

In general, the FCC has found that releasing your phone number to a company implies prior express consent to be contacted “regarding” that transaction, absent contrary instructions. See

In re GroupMe, Inc./Skype Commc'ns S.A.R.L Petition for Expedited Declaratory Ruling; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Declaratory Ruling, 29 FCC Rcd 3442 ¶ 11 (2014). In 2015, a TCPA order stated that a consumer grants prior express consent to health care messages made on behalf of HIPAA covered entities or business associates. See 2015 TCPA Order at ¶ 141; see also the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, 45 C.F.R. § 160.103.

### **Prior Express Written Consent**

Prior express written consent requires a signature on a written agreement that clearly and conspicuously discloses that:

- The customary user of the phone number agrees to receive autodialed and prerecorded telemarketing calls and/or texts to a specific number from a specific caller
- Their consent is not a condition for purchase

See 47 C.F.R. § 64.1200(f)(8). Prior express written consent can be revoked at any time through any reasonable means. Electronic signatures are permissible so long as they are obtained in compliance with the E-SIGN Act. The FCC has found, in agreement with the 3rd Circuit, that ambiguities in the TCPA should be construed in favor of the consumer. *Gager v. Dell Fin. Servs., LLC*, 727 F.3d 265, 270 (3d Cir. 2013). In line with this construction, a consumer may revoke consent “at any time through any reasonable means.” See 2015 TCPA Order at ¶ 5. When a consumer revokes consent, a one-time text may be sent to confirm the consumer’s opt-out request, with certain conditions. See 2015 TCPA Order at ¶ 57; *SoundBite Commc'ns, Inc. Petition for Expedited Declaratory Ruling*, Declaratory Ruling, 27 FCC Rcd 15391 (2012). Regardless of how the revocation is communicated, it is important to document and record revocations of consent.

### **Established Business Relationship (EBR)**

For the purposes of residential telephone solicitation, an EBR is formed by voluntary two-way communication between a subscriber and a business or entity based on a purchase or transaction within the past 18 months or an inquiry or application regarding products in the past three months. The EBR is terminated through a DNC request. See 47 C.F.R. § 64.1200(f)(5). For purposes of fax advertisements, an EBR is formed by voluntary two-way communication between a business or entity and a business or residential subscriber based on a purchase, transaction, inquiry, or application for products or services. See 47 C.F.R. § 64.1200(f)(6).

### **Telephone Solicitation**

Telephone solicitation is “the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, but such term does not include a call or message:

- To any person with that person's prior express invitation or permission
- To any person with whom the caller has an established business relationship
- By or on behalf of a tax-exempt nonprofit organization 47 C.F.R. § 64.1200(f)(15).

### **Telemarketing**

Telemarketing is defined as "the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to a person." 47 C.F.R. § 64.1200(f)(13).

### **How Does Appraisal Nation Comply?**

To comply with the TCPA and TCR we, Appraisal Nation, request your written consent to send SMS messages and phone calls regarding but not limited to new or any open appraisal orders or our business relationship.

Upon signing up with Appraisal Nation, all parties agree to receive SMS messages and phone calls. After joining, should you choose to opt out of receiving phone calls and/or SMS messages, you can opt out via email at [ClientRelations@Appraisal-Nation.com](mailto:ClientRelations@Appraisal-Nation.com) or [ASDLeaders@Appraisal-Nation.com](mailto:ASDLeaders@Appraisal-Nation.com). Should any user choose to opt out of receiving phone calls and/or SMS messages but still wish to do business with Appraisal Nation, our staff will remove their phone number from their account to prevent any future phone calls and/or SMS messages.

### **Contacting Us**

If there are any questions regarding this privacy and phone call/SMS policy, you may contact us via mail or email using the information below:

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