

CALIFORNIA CONSUMER PRIVACY ACT NOTICE FOR CALIFORNIA RESIDENTS

Last Revised on January 1, 2020

Why We Are Providing This Notice to You

We are providing this notice to inform California consumers about how we collect, use, and disclose personal information and about the rights California consumers have regarding their personal information. This notice only applies to visitors, users, and others who reside in the State of California (“consumers” or “you”). We are providing this notice to you in compliance with the California Consumer Privacy Act of 2018 (the “CCPA”). If terms used in this notice are defined in the CCPA, they have the same meaning here as they do in the CCPA.

Please note that this notice is in addition to, but does not replace, the information contained in the [PRIVACY NOTICE](#) of Midland Credit Management, Inc., Midland Funding LLC, MRC Receivables Corporation, Midland Funding NCC-2 Corporation, Atlantic Credit & Finance, Inc., and Asset Acceptance LLC (collectively, “we,” “us,” or “our”). You should read both documents carefully and understand them.

This Notice Does Not Apply to Everyone or to All Types of Information

The CCPA applies to certain 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 (“Personal Information”).

Under the CCPA, Personal Information does not include publicly available information from government records or certain de-identified or aggregated consumer information. In addition, the CCPA does not apply at all to some specific types of information, like (1) health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the California Confidentiality of Medical Information Act (“CMIA”), or clinical trial data; or (2) personal information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (“FCRA”), the Gramm-Leach-Bliley Act (“GLBA”), the California Financial Information Privacy Act (“FIPA”), and the Driver’s Privacy Protection Act of 1994. Accordingly, this notice does not apply to these types of information.

We only knowingly collect information that is subject to the GLBA or which otherwise is not included in the CCPA’s definition of Personal Information. Therefore, we do not knowingly collect any Personal Information that is subject to the CCPA. This notice is therefore only applicable in the unlikely event we have collected information subject to the CCPA. For information on how we collect and use information subject to the GLBA, please see our [PRIVACY NOTICE](#).

This notice also does not apply to consumers who do not reside in the State of California, or to Encore Capital Group, Inc. (“Encore”), any of Encore’s subsidiaries or affiliates not engaged in the purchase or collection of consumer receivables, or any of Encore’s subsidiaries or affiliates located outside the United States of America.

This notice also does not apply to any of our job applicants, employment candidates, employees, directors, officers, members, owners, or contractors (collectively “Employment-related Persons”). Information about our collection and use of Personal Information for Employment-related Persons is available at [EMPLOYMENT WEBSITE](#)

Information We Collect

We only knowingly collect information that is covered by the GLBA and, therefore, exempt from the CCPA, or information that is otherwise not included in the CCPA’s definition of Personal Information. In the unlikely event we collected any Personal Information about you in the preceding 12 months that is not exempt from the CCPA, such information would be included in the following categories. **PLEASE NOTE: Although we may have inadvertently collected Personal Information from these categories to the extent described below, we would not necessarily have collected all of the specific pieces of Personal Information described within a particular category of Personal Information, or any of them, for any individual consumer:**

Category	Specific Pieces of Personal Information in This Category, Per Cal. Civ. Code § 1798.140(o)(1)(A)-K	Collected?
A. Identifiers	“Identifiers such as 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.”	YES
B. Personal Information categories listed in Cal. Civ. Code § 1798.80(e)	The categories of information listed in section 1798.80 of the California Civil Code including, among other things, name, signature, Social Security number, address, telephone number, driver's license or state identification card 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.	YES
C. Protected classifications under California or federal law	The categories of protected classes under California or federal laws including, among other things, race, color, sex/gender, age, and other classifications protected by law.	YES
D. Commercial information	“Commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.”	YES
E. Biometric information	Physical or behavioral human characteristics that can be used to digitally identify a person to grant access to systems, devices, or data.	NO
F. Internet or other electronic network activity	“Internet or other electronic network activity information, including, but not limited to, browsing history, search history, or information on a consumer's interaction with a website, application, or advertisement.”	NO

G. Geolocation data	Information that can be used to identify an electronic device's physical location.	NO
H. Audio, electronic, visual, thermal, olfactory, or similar information	"Audio, electronic, visual, thermal, olfactory, or similar information."	YES
I. Professional or employment-related information	Information such as current or past job history or performance evaluations.	NO
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. § 232g, 34 C.F.R. Part 99))	Information such as education records directly related to a student maintained by an educational institution or party acting on its behalf.	NO
K. Inferences drawn from other Personal Information	Inferences drawn from any of the above categories to create a profile about the consumer "reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes."	YES

Sources of Personal Information we Collect

We only knowingly collect information that is covered by the GLBA and, therefore, exempt from the CCPA, or information that is otherwise not included in the CCPA's definition of Personal Information. In the unlikely event we collected any Personal Information about you in the last 12 months that is not exempt from the CCPA, each of the above-listed categories would have been collected from the following categories of sources:

- Directly from the companies we purchase accounts from or their agents. For example, from documents provided to us from those companies related to the accounts we buy.
- Directly from consumers or their agents. For example, through information we collect from consumers in the course of providing services to them.
- Indirectly from consumers or their agents. For example, through information we collect from our consumers, their agents, or from external sources to which consumers or their agents have provided information, in the course of providing services to consumers.
- Directly and indirectly from activity on our website. For example, from submissions through our website portal or website usage details collected automatically.
- From third-parties that interact with us in connection with the services we perform. For example, from vendors who assist us in performing services for consumers.

Use of Personal Information

We only knowingly collect information that is covered by the GLBA and, therefore, exempt from the CCPA, or information that is otherwise not included in the CCPA's definition of Personal Information. In the unlikely event we collected any Personal Information about you in the last 12 months that is not exempt from the CCPA, we potentially would have disclosed or used Personal Information from each of the above-listed categories for one or more of the following business purposes, if permitted by applicable law:

- To fulfill or meet the reason for which the information is provided. For example, if you have provided Personal Information to us, or to a company we purchase accounts from, for a transaction or service to be provided, we will use that information for the purpose for which it was provided.
- To provide you with information, products or services that you request from us.
- To provide you with email alerts, event registrations and other notices concerning our products or services, or events or news, that may be of interest to you.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, or between you and the companies we purchase accounts from, including for collections purposes.
- To improve our website and present its contents to you.
- For testing, research, analysis and development.
- As necessary or appropriate to protect the rights, property, or safety of us, our affiliates, or others.
- 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 our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which Personal Information held by us is among the assets transferred.

We will not collect additional categories of Personal Information or use any Personal Information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Sharing Personal Information

We only knowingly collect information that is covered by the GLBA and, therefore, exempt from the CCPA, or information that is otherwise not included in the CCPA's definition of Personal Information. In the unlikely event we collected any Personal Information about you that is not exempt from the CCPA, we potentially would have disclosed your Personal Information from each of the above-listed categories to a third party for a business purpose in the last 12 months, if permitted by applicable law. If we disclose Personal Information for a business purpose, we enter into a contract that describes the

purpose and requires the recipient to both keep that Personal Information confidential and not use it for any purpose except performing the contract.

In the unlikely event we collected any Personal Information about you that is not exempt from the CCPA in the last twelve (12) months, we potentially would have disclosed the following categories of Personal Information for a business purpose:

- Category A: Identifiers.
- Category B: Personal Information categories listed in Cal. Civ. Code § 1798.80(e).
- Category C: Protected classification characteristics under California or federal law.
- Category D: Commercial Information.
- Category H: Audio, electronic, visual, thermal, olfactory, or similar information.
- Category K: Inferences drawn from other Personal Information.

In the unlikely event we have disclosed any Personal Information about you that is subject to the CCPA, we potentially would have disclosed Personal Information for a business purpose from each of the above-listed categories to the following categories of third parties:

- Our affiliates.
- Service providers.
- Third parties to whom you or your agents authorize us to disclose your Personal Information in connection with products or services we provide to you.

We do not sell any Personal Information, including without limitation any Personal Information of minors under the age of 16 either with or without affirmative authorization. Accordingly, we have not sold any Personal Information in the last 12 months.

Your Rights and How to Exercise Them

The CCPA provides California consumers with specific rights regarding their Personal Information. This section describes your CCPA rights and explains how to exercise those rights.

A. Your Rights Under the CCPA

1) *The Right to Know Personal Information*

You have the right to request that we disclose certain information to you about our collection and use of your Personal Information over the past 12 months. Once we receive and confirm your verifiable consumer request, and confirm that we have Personal Information about you that is applicable under the CCPA, we will disclose the following to you unless the information is exempt from the CCPA:

- The categories of Personal Information we collected about you.
- The categories of sources for the Personal Information we collected about you.
- Our business or commercial purpose for collecting that Personal Information. **Please note that we do not sell any Personal Information.**
- The categories of third parties with whom we share that Personal Information.

- The specific pieces of Personal Information we collected about you.
- We do not sell any Personal Information, but If we disclosed your Personal Information for a business purpose, a separate list of disclosures for a business purpose, identifying the categories of Personal Information that each category of recipient obtained.

2) *The Right to Deletion of Personal Information*

You have the right to request that we delete any Personal Information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request and confirm that we have Personal Information about you that is subject to the CCPA, we will delete (and direct our service providers to delete) your Personal Information from our records unless an exception applies, or the information is exempt from the CCPA.

We may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the Personal Information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *et seq.*).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

3) *Right to Non-Discrimination*

You have the right to be free from discrimination for exercising your rights and we will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.

- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

B. Exercising Your Rights

1. Where to Submit Your Request

To exercise the rights described above, please submit a verifiable consumer request to us by any of the following methods:

- **Calling us at:** (877)860-9489
- **Visiting our Consumer Privacy Portal online at:** www.midlandcredit.com/consumerprivacy
- **Sending a request by mail to:** P.O. Box 939047, San Diego, CA 92193-9047

2. Who Can Submit a Request

Only you, or a person (either a natural person or a person registered with the California Secretary of State) that you authorize to act on your behalf, may make a verifiable consumer request related to your Personal Information. You may also make a verifiable consumer request on behalf of your minor child.

If you choose to authorize another person to make a verifiable consumer request on your behalf, we will require that person to provide us with either a copy of a valid power of attorney or written permission from you authorizing them to submit the request on your behalf. Unless your authorized agent provides us with a valid copy of a power of attorney, we will also require them to verify their identity directly with us before we will respond to the request.

3. Contents and Number of Requests

You may only make a verifiable consumer request twice within a 12-month period. The verifiable consumer request must provide sufficient information that allows us to verify you are the person about whom we collected Personal Information or an authorized representative and describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

4. Verifying Your Identity

We cannot respond to your request or provide you with Personal Information if we cannot verify your identity or authority to make the request and confirm the Personal Information relates to you. Please note that we will require you to provide different information depending upon the specific right(s) you are choosing to exercise. For example:

- If you choose to request specific pieces of information in exercising your Right to Know Personal Information, we must verify your identity to a reasonably high degree of certainty. This means we will require you to provide at least three pieces of information that we consider reliable for determining your identity that we can match to information in our database. We will also

require you to submit a declaration signed under penalty of perjury confirming that you are the consumer whose Personal Information is subject to the request.

- If you request categories of Personal Information and do not request specific pieces of Personal Information, we must verify your identity to a reasonable degree of certainty and will require that you provide at least two pieces of information that we consider reliable for determining your identity that we can match to information in our database.
- If you request deletion of Personal Information, we may need to verify your identity to either a reasonable degree of certainty or a reasonably high degree of certainty using the processes described above, depending upon the Personal Information you ask us to delete.

Making a verifiable consumer request does not require you to create an account with us.

C. When and How We Will Respond to Your Request

We endeavor to respond to a verifiable consumer request within 45 days of its receipt. If we require more time (up to an additional 45 days for a total of 90 days from the date we received your request), we will inform you of the reason and extension period in writing. If you have an account with us, we may deliver our written response to that account, at our option. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option. Any disclosures we provide will only cover the 12-month period preceding our receipt of a verifiable consumer request. The response we provide will also explain the reasons we cannot comply with a request, or are not required to comply with a request, if applicable.

We do not charge a fee to process or respond to your verifiable consumer request, but are permitted to do so if your request is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Changes to Our Privacy Notice

We reserve the right to amend this notice at our discretion and at any time. When we make changes to this notice, we will notify you by mail, email, or through a notice on our website homepage, at our option.

Contact for More Information

If you have any questions or comments about this notice, the ways in which we collect and use your Personal Information, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: (877) 860-9489

Website: www.midlandcredit.com/consumerprivacy

By Mail: P.O. Box 939047, San Diego, CA 92193-9047