

# Applicant Notice of Collection and Privacy Policy

Last Updated: **January 1, 2023**

**Midland Credit Management, Inc.** and its parent, Encore Capital Group, Inc., subsidiaries, and affiliated companies (“Company”) takes your privacy seriously. We want you to know how we collect, use, and disclose, your personal information.

## EEO Statement

The Company is an equal employment opportunity employer. The Company’s policy is not to unlawfully discriminate against any applicant or employee on the basis of race, color, sex, religion, national origin, age, disability, or any other consideration made unlawful by applicable federal, state, or local laws. The Company also prohibits harassment of applicants and employees based on any protected category, characteristic or status. It is also the Company’s policy to comply with all applicable state, federal and local laws respecting consideration of unemployment status in making hiring decisions.

The Company complies with the ADA, the ADAAA and applicable state law and considers reasonable accommodation measures that may be necessary for qualified applicants/employees to perform the essential functions of the job. Hire may be contingent upon a post-offer medical examination, and to skill and agility tests, as appropriate for the position.

## Assistance For The Disabled

Alternative formats of this Privacy Policy are available to individuals with a disability. Please contact [HRsupport@mcmcg.com](mailto:HRsupport@mcmcg.com) for assistance.

## This Privacy Policy explains:

1. The categories of personal information we collect about you
2. The categories of sources from which we collect your personal information
3. The purposes for which we use your personal information
4. How we may disclose your personal information
5. How long we keep your personal information
6. Privacy rights for applicants who are California residents
7. Changes to this Privacy Policy

## Scope:

This Privacy Policy applies to the personal information of individuals in their role as job applicants to the Company (“Applicants”).

“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 Applicant.

## 1) THE CATEGORIES OF PERSONAL INFORMATION WE COLLECT ABOUT YOU

- Identifiers, for example: real name, nickname, telephone number, postal address, e-mail address, and signature.
- Professional or Employment-Related Information, for example: educational institutions attended, degrees and certifications, licenses, work experience and previous employers, and professional memberships and affiliations.
- Non-public educational information, for example: academic transcripts.
- Commercial Information, for example: travel expense records for an interview.
- Internet Activity Information, for example: interactions with the Company’s Internet web site, job application, or job advertisement, and publicly available social media activity.
- Sensory or Surveillance Data, for example: voice-mails, audio/visual recordings of interviews, and footage from video surveillance cameras.
- Physical description: Photograph for a security badge or if submitted as part of application materials.

- Other details, for example, hobbies and leisure activities or membership in voluntary/charitable/public organizations, for example, as stated on the Applicant's resume.
- Inferences, for example, the Company might infer characteristics from a personality assessment completed by the Applicant.
- Characteristics of Protected Classifications Under State or Federal Law for Applicants, collected on a purely voluntary basis, except where collection is required by law, and used only in compliance with applicable laws and regulations, for diversity and inclusion reporting and related purposes.
- Sensitive identifiers, for example: Social Security, driver's license, state identification card, or passport number.
- Geolocation data, for example: information related to use of company-issued badges at points of entry on physical premises.

## 2) THE CATEGORIES OF SOURCES FROM WHICH WE COLLECT YOUR PERSONAL INFORMATION

- **You**, for example, in your job application, forms you fill out for us, assessments you complete, surveys you complete, and any information you provide us during the course of your application and interview process.
- **Vendors and service providers**, for example, recruiters.
- **Third parties**, for example, job references, affiliated companies, professional employer organizations or staffing agencies.
- **Public internet sources**, for example, social media, job boards, public profiles, and other public online sources
- **Public records**, for example, court records, and credentialing and licensing organizations.
- **Automated technologies** on the Company's electronic resources, for example, to track logins and activity on the Company's careers page.
- **Surveillance/recording technologies installed by the Company**, for example, video surveillance in common areas of the Company facilities, voicemail technologies, webcams, and audio/video recording technologies with consent to the extent required by law
- **Government or administrative agencies**, for example, law enforcement or public health authorities.

**Note:** This Privacy Policy does not cover background screening conducted by third-party background check vendors subject to the federal Fair Credit Reporting Act.

## 3) THE PURPOSES FOR WHICH WE USE YOUR PERSONAL INFORMATION

### A. Generally Applicable Purposes

Unless stated otherwise in section 3.B, below, we may use Applicants' personal information for the following purposes:

#### Recruiting, including:

- To evaluate Applicants' qualifications or suitability for employment with the Company
- To communicate with Applicants
- To conduct a pre-employment or criminal history background check
- For identification purposes
- For diversity and inclusion purposes
- To arrange and manage Company-sponsored events
- To create a talent pool for future job openings
- For recordkeeping purposes
- To demonstrate Applicants' agreement to, or acceptance of, documents presented to them, *e.g.*, pre-employment arbitration agreement, acknowledgment of employment application, offer letter
- To evaluate and improve the recruiting process
- To promote the Company as a place to work

#### Monitoring, Security, and Compliance, including:

- To monitor use of the Company's information systems and other electronic resources or information systems

- To conduct internal audits
- To conduct internal investigations
- To protect the safety and security of the Company's facilities
- To report suspected criminal conduct to law enforcement and cooperate in investigations
- To control access to secure facilities
- To monitor compliance with the Company's policies
- To exercise the Company's rights under applicable law and to support any claim, defense, or declaration in a case or before a jurisdictional and/or administrative authority, arbitration, or mediation panel

**Conducting Our Business, including:**

- For training purposes or quality assurance with respect to the Company's employees conducting the interviews or otherwise assisting with the recruiting and hiring process
- For travel and event planning
- To engage in crisis management
- To manage travel reimbursements

**Miscellaneous Other Purposes:**

- To manage and operate information technology and communications systems, risk management and insurance functions, budgeting, financial management and reporting, strategic planning;
- To manage litigation involving the Company, and other legal disputes and inquiries and to meet legal and regulatory requirements;
- In connection with a corporate transaction, sale, or assignment of assets, merger, divestiture, or other changes of control or financial status of the Company or any of its subsidiaries or affiliates; and
- To protect the rights, property, or safety of the Company, HR Individuals, customers, or others.

**B. Purposes Specific To Certain Categories Of Personal Information**

We may use the categories of Applicants' personal information listed in this Section 3.B for the purposes stated below:

**Purposes For Using Applicants' Geolocation Data:**

- Upon entry to the Company's facilities, the Company may issue Applicants a security badge that tracks attempts to access points of entry on physical premises. The Company will use this information to protect the safety and security of its facilities and the people in its facilities, including the Applicant.

**Purposes For Using Applicants' Health Information:**

- To the extent necessary to comply with the Company's legal obligations, such as to accommodate disabilities
- To protect the health and safety of the Company's employees and facilities
- For occupational health and safety compliance and record-keeping
- To conduct pre-employment medical examinations
- To respond to an Applicant's medical emergency

**Note:** This Privacy Policy does not cover health information governed by the Health Insurance Portability and Accountability Act (HIPAA), the Health Information Technology for Economic and Clinical Health Act (HITECH Act), or California's Confidentiality of Medical Information Act (CMIA) because these laws have their own disclosure requirements.

**Purposes For Using Applicants' Protected Categories Of Information:**

The Company collects information about race, age, national origin, disability, sex, and veteran status as necessary to comply with legal obligations, including the reporting requirements of the federal Equal Employment Opportunity Act, the federal Office of Contracting Compliance Programs (applicable to government contractors), and state laws, and for purposes of diversity analytics.

The Company also uses this personal information for purposes including: (a) with respect to disability and/or medical condition, as necessary, to comply with federal and state law related to accommodation; and (b) with respect to age, incidentally to the use of birth date for identity verification.

#### 4) HOW WE MAY DISCLOSE YOUR PERSONAL INFORMATION

The Company generally maintains information related to Applicants as confidential. However, from time to time, the Company may have a legitimate business need to disclose Applicants' personal information for one of the purposes listed in Section 2, above, to one or more of the categories of external recipients listed below. In that event, the Company discloses your personal information and/or sensitive personal information only to the minimum extent necessary to achieve the purpose of the disclosure and only if the disclosure is permitted by the CPRA and other applicable laws.

- **Service providers and contractors:** The Company discloses your personal information to service providers and contractors for the purposes above to assist us in our recruiting efforts and in meeting our business needs and legal obligations.
  - The Company only discloses your personal information to service providers and contractors subject to written contracts as required by applicable law.
  - Service providers and contractors include recruiters, law firms, travel agencies, and any other entity providing services to Company.
- **Affiliated companies:** Other companies within the **Encore Capital Group, Inc.** family of companies.
- **Government or administrative agencies:** These may include, for example:
  - Equal Employment Opportunity Commission as required for reporting.
  - California Department of Fair Employment and Housing as required to respond to employment claims and charges.
  - Law enforcement in the event of criminal investigations.
- **Required Disclosures:** We may be required to disclose personal information in a court proceeding, in response to a court order, subpoena, civil discovery request, other legal process, or as otherwise required by law.
- **Legal Compliance and Protections:** We may disclose personal information when we believe disclosure is necessary to comply with the law or to protect the rights, property, or safety of the Company, our users, or others.

#### 5) HOW LONG WE KEEP YOUR PERSONAL INFORMATION

If the Company hires you, the information collected about you during the job application process may become part of your personnel file and may be used to administer the employment relationship and for related reporting and recordkeeping purposes. The Company will retain application information for the entire duration of your employment relationship with the Company and for as long thereafter as permitted or required by applicable law. The Company makes its document retention schedule available to employees for review.

The Company will retain information of applicants who are not hired for four (4) years after the record is collected. These records will be retained for our internal recordkeeping and reporting purposes in compliance with California law. During that time, we may use your information to consider you for positions in addition to the position(s) for which you initially applied.

## 6) PRIVACY RIGHTS FOR APPLICANTS WHO ARE CALIFORNIA RESIDENTS

This Section 6 applies only to Applicants who are residents of the state of California.

### a. Your California Privacy Rights

Subject to applicable law, Applicants have the following rights:

- **Right to Know:** You have the right to submit a verifiable request for copies of specific pieces of your personal information collected in the preceding 12 months and for information about the Company's collection, use, and disclosure of your personal information during that same 12-month time period.

Please note that the CPRA's right to obtain copies does not grant a right to the whole of any document that contains personal information, but only to copies of "specific pieces" of personal information. Moreover, HR Individuals have a right to know categories of sources of personal information and categories of external recipients to which personal information is disclosed, but not the individual sources or recipients. The Company does not always track individualized sources or recipients.

- **Right to Delete:** You have the right to submit a verifiable request for the deletion of personal information that you have provided to the Company.
- **Right to Correct:** You have the right to submit a verifiable request for the correction of inaccurate personal information maintained by the Company, considering the nature of the personal information and the purposes of processing the personal information.

**Inferring characteristics:** Company does not collect or process sensitive personal information or characteristics of protected classifications for the purpose of inferring characteristics about California residents.

#### **No sales and no "sharing", i.e., disclosure for cross-context behavioral advertising:**

The Company does not sell the personal information of any Applicants nor share their personal information for cross-context behavioral advertising.

#### **Note on Deidentified Information**

At times, the Company converts personal information into deidentified information using reasonable measures to ensure that the deidentified information cannot be associated with the individual ("Deidentified Information"). The Company maintains Deidentified Information in a deidentified form and does not attempt to reidentify it, except that The Company may attempt to reidentify the information solely for the purpose of determining whether its deidentification processes ensure that the information cannot be associated with the individual. The Company prohibits vendors, by contract, from attempting to reidentify the Company's Deidentified Information.

### b. How to Exercise Your Rights

The Company will respond to requests know, delete, and correct in accordance with applicable law if it can verify the identity of the individual submitting the request. You can exercise these rights in the following ways:

- Call **(877) 860-9489**
- Email **HRsupport@mcmcg.com**

### c. How We Will Verify Your Request:

The processes that we follow to verify your identity when you make a request to know, correct, or delete are described below. The relevant process depends on how and why the request is submitted.

If you submit a request by any means other than through a password-protected account that you created before the date of your request, the verification process that we follow will depend on the nature of your request as described below:

1. **Requests To Know Categories Or Purposes:** If you request to know how we collect and handle your personal information, we will match at least two data points that you provide with your request, or in response to your verification request, against information about you that we already have in our records and that we have determined to be reliable for purposes of verifying your identity. Examples of relevant data points include your mobile phone number, your zip code, and the month and year you submitted a job application to us.
2. **Requests To Know Specific Pieces Of Personal Information:** We will match at least three data points that you provide with your request to know, or in response to our request for verification information, against information that we already have about you in our records and that we have determined to be reliable for purposes of verifying your identity. In addition, we may require you to sign a declaration under penalty of perjury that you are the individual whose personal information is the subject of the request.
3. **Requests To Correct or Delete Personal Information:** Our process for verifying your identity will depend on the sensitivity (as determined by the Company) of the personal information that you ask us to correct delete. For less sensitive personal information, we will require a match of two data points as described in Point No. 1, above. For more sensitive personal information, we will require a match of three data points and a signed declaration as described in Point No. 2, above.

We have implemented the following additional procedures when verifying the identity of requestors:

1. If we cannot verify your identity based on the processes described above, we may ask you for additional verification information. If we do so, we will not use that information for any purpose other than verification.
2. If we cannot verify your identity to a sufficient level of certainty to respond to your request, we will let you know promptly and explain why we cannot verify your identity.

#### **d. Authorized Agents**

If an authorized agent submits a request to know, correct or delete on your behalf, the authorized agent must submit with the request either (a) a power of attorney that is valid under California law, or (b) a document signed by you that authorizes the authorized agent to submit the request on your behalf. In addition, we may ask you or your authorized agent to follow the applicable process described above for verifying your identity. You can obtain "Authorized Agent Designation" form by contacting us at [HRsupport@mcmcg.com](mailto:HRsupport@mcmcg.com)

#### **e. Non-Discrimination and Non-Retaliation Policy**

The Company will not unlawfully discriminate or retaliate against you for exercising your privacy rights under the California Privacy Rights Act.

### **7) CHANGES TO THIS PRIVACY POLICY**

If we change this Privacy Policy, we will post those changes on this page and update the Privacy Policy modification date above. If we materially change this Privacy Policy in a way that affects how we use or disclose your personal information, we will provide a prominent notice of such changes and the effective date of the changes before making them.

#### **For More Information**

For questions or concerns about the Company's privacy policies and practices, please contact us at [HRsupport@mcmcg.com](mailto:HRsupport@mcmcg.com).