

**Highmark Residential, LLC Privacy Policy**  
**Last Updated: February 1, 2021**

This privacy policy (the “Privacy Policy”) of Highmark Residential, LLC (collectively, with its agents, subsidiaries, parents, and affiliates, “Highmark,” “we,” “us,” or “our”) describes our privacy practices regarding information we collect from persons or entities in the United States (“you” or “your”) who access our websites or our related applications that we may make available from time to time (collectively the “Site”), and further, applies to information, products and services provided by Highmark in the U.S. We follow all federal and state laws regarding the protection of your information.

**Purpose.** Highmark recognizes the importance of protecting the privacy of individual-specific information (“Personal Information”) collected from and about our users, or you. This Privacy Policy describes what Personal Information we gather, how we use it and how you can correct, change and limit our use of it. It is our intention to give you as much control over your Personal Information as possible to preserve your privacy, while still allowing us to utilize that Personal Information to provide you a valuable service and to, hopefully, have you as a resident in one of our communities.

This Privacy Policy constitutes an integral part of our website’s Terms of Use and is subject to the provisions thereof, including with respect to Limitation of Liability and governing law. We encourage you to read this Privacy Policy before you send or share Personal Information with us or use our website and to read it again when you return to it.

**Types of Information Collected.** We collect Personal Information from our Site in order to provide you with information on the Highmark products and services you have expressed an interest in, to provide you with information on other similar Highmark products and services we believe will be of interest to you, and to better understand how we can help prospective residents, current residents and employees.

The type of Personal Information we collect will depend upon what we will need in order to provide you with the particular product or service you are interested in. In the case of prospective residents and applicants for employment, the information requested on our registration form includes some or all of the following Personal Information, but not limited to: name and address including previous addresses, age or date of birth, driver’s license or other personal identification numbers, email address, occupation, employment information including income, telephone number, educational background and Social Security/national insurance number.

Those interested in becoming residents may be asked to provide most of the following additional information to help match our available products and services with prospective residents: the kind of product or service you are requesting, the apartment size or number of bedrooms you are looking for, where you want to live, the type of building you prefer, other desired unit characteristics, your proposed rent budget, the number of individuals in your household and their ages, and whether or not you have pets.

During the lease application process, additional information may be collected: proof of income and employment, bank statements, proof of residency, list of recent addresses, and contracted third-party Service Providers may provide additional information in the form of a credit check and/or background check. If the application is approved, supplementary information may be collected, including but not limited to, vehicle make/model/license and proof of renter's insurance coverage, as specified in the lease. Depending on method of payment chosen, a resident may voluntarily submit and store financial payment information such as bank accounts, routing numbers, and/or credit card numbers to facilitate payment transactions.

Our residential communities may have their own separate sites, and we may use separate sites for the processing of rental applications and agreements and to assist our residents with other tasks which are required or helpful to them, such as paying rent online. You may move away from this Site when engaging in those activities and those sites will have their own privacy policies, and so please review that privacy policy before using those separate Sites. *See also Third-Party Websites below.*

**Employment Applications.** For those interested in applying for employment at Highmark, the following additional Personal Information may be requested or obtained: credit checks, background checks and employment verification. Where required, we will obtain your consent before undertaking these checks. Once a candidate accepts a position, the candidate may be asked to complete further online details. This may include an invitation to self-identify ethnicity or race. This information is only collected for meeting government reporting requirements and the provision of this information by candidates is voluntary.

**How we Collect and Use Information.** We collect information whenever you use this Site, as well as, from forms you submit to us, personal correspondence, such as emails or letters that you send to us, information you include in an application you complete on the Site, information you provide when scheduling a property visit through the Site, or any other activity through which you identify yourself to us, by and through online services, property visits and offline interactions, customer care centers, owners and franchisees, authorized licensees, strategic business partners, other sources, Internet connected devices and physical and mobile location based devices.

When you visit the Site, we may log your IP address, the URL of your request and other information that is provided in the HTTP header. An IP address is a number that is automatically assigned to your computer whenever you are surfing the Internet. Web servers, the main computers that transmit web pages, automatically identify your computer by its IP address. As permitted under applicable law, Highmark collects IP addresses for the purposes of system administration, gathering and analyzing aggregated information, creating a better experience for users and auditing the use of our Site.

We do not normally link IP addresses to anything personally identifiable, which means that your session will be logged, but you remain anonymous to us. We will seek to link your IP address when we are required to do so by law enforcement, court order, law, and/or feel it is necessary to protect this Site and other users from harm and to prevent criminal misconduct.

We may also ask you to voluntarily provide us with Personal Information on this Site: for example, while many of the features of the Site are available without registering, you may be asked to create an account on the Site if you desire to access certain features. Further, in some instances, we may ask you to provide Personal Information in order to perform screening services for property managers or owners. Although you may decline to voluntarily provide Personal Information when asked, some features, products and services will be unavailable to you as a result.

In addition, our third-party Service Providers may ask you voluntarily to provide Personal Information through our Site or on their websites and may share such Personal Information with us, as governed by their respective privacy policies. Our use of information received from a Service Provider will be dictated by the Service Provider's privacy policies and not this Privacy Policy.

If you choose to use the Refer a Friend email link to tell a friend about our Site or a property listed on our Site, we will ask for your friend's name and email address. We will automatically send your friend a one-time email inviting him or her to visit the Site. Highmark stores this information for the purposes of sending this one-time email and tracking the success of our referral program only.

Although we do not link online Non-Personally Identifiable Information with Personally Identifiable Information as a current business practice, we may if required to do so by law enforcement agencies, court order, law or if we deem it necessary to improve our online service and product offerings in the future. We may also link information collected online with information collected online by third parties.

Highmark may use the information collected from you to provide services which you have requested from us: including, without limitation, sending your contact information to properties that you are interested in; sending your rental application to properties that you have selected; and enabling you to use the Resident Portal. We may also use your Personal Information to send you targeted messages, publications, news, and information about events, special offers, promotions and benefits. Highmark may use third-party Service Providers to send and distribute email and to perform other marketing and support functions. We may use information we collect from you to improve the content of this Site, to enhance users' experiences when visiting this Site, to analyze trends, administer the Site, gather demographic information the Site's users, track user movements and to customize the content and layout of this Site for each individual user.

**Use of Cookies and Other Technologies.** Cookies are information tracking technologies that website use for information tracking purposes. Cookies make web surfing easier for you by saving your preferences while you are at our Site. The use of cookies is an industry standard, and as such, you will find them at most major websites. By showing how and when users use a Site, cookies help us see which areas are popular and which are not. Many improvements and updates to the Site are based on such data as total number of visitors and pages viewed. This information is most easily tracked with cookies. We use the information from cookies only to provide

services better tailored to your needs and for the protection of our website and users from potential harm. We never save passwords or credit card information in cookies.

We use persistent tracking cookies on our website which are cookies that stay in your web browser between visits. These cookies can also be used to show us which Sites you have visited before entering our Site and which Sites you may go to if you leave, especially if you access the registered-user parts of this Site by using your social media log-in credentials. We use these to capture analytical information about our visitors that helps us to improve the performance of our website and create a better experience. These cookies allow us to recognize and count the number of visitors, to provide content related to a prior visit to the website, to see how visitors move around the Site and the products and services they are interested in when they are using it and to see what other types of products and services they may be interested in. This helps us to improve the way our website works, for example by making sure users are finding what they need easily.

We may also use cookies which allow us or third parties to advertise our products and services on websites that you access after you have visited our Site. You may also see advertisements from us if other websites you visit capture through a cookie that you have been on our Site. These ad preference cookies are often used by search engine Sites. Our cookies can be disabled as indicated below. To prevent this advertising, you may also need to review the cookies disabling information on the other Sites you visit.

Most browsers are set up to accept cookies. If you want to change your cookie preferences, you can do so through your browser settings or refuse the cookies when you enter the website. You may also limit the information we gain from certain cookies by logging directly into the registered areas of this Site rather than by logging in by using your social media log-in credentials. Please remember that our cookies are often used to give you certain functionality and without them you may not be able to use some of our website e.g. save properties from our listings.

You can also remove cookies that have already been set in your browser via your browser settings.

**CALIFORNIA PRIVACY NOTICE**

<b><u>Category of Personal Information</u></b>	<b><u>Category of Source from Which Data is Collected</u></b>	<b><u>Purpose of Collection</u></b>	<b><u>Category of Third Parties to Whom Data is Disclosed</u></b>
Contact information such as name, e-mail address, phone number, mailing address	Directly from Employment or Residential Applicants	To facilitate leasing, payment, send administrative information, confirmations or pre-arrival messages, to assist you with use of residential amenities and to provide you with other information	Service Providers

		about the area and the residential property; To support our electronic and digital programs.	
Payment information such as credit card information	Directly from residential applicants	To facilitate reservations and payment	Service Providers
Gender	Directly from residential or employment applicants	To personalize the Services according to your Personal Preferences	Service Providers
Date and place of birth	Directly from residential or employment applicants		Service Providers
Geolocation information	Directly from residential applicants	To provide custom services and amenities	Service Providers
Residential preferences such as interests and activities	Directly from residential applicants	To personalize the Services according to your Personal Preferences; for developing new goods and services, enhancing, improving or modifying our Services, identifying usage trends, determining the effectiveness of our service promotions and operating and expanding our business activities.	Service Providers
Images, video, and audio data	Security cameras in public areas such as resident elevators, stairwell and hallways and lobbies	To maintain residential security	Service Providers
Automatically collected information on websites such as IP address, device type, browser type	Cookies and other tracking technologies	For data analysis, audits, security and fraud monitoring and prevention (including with the use of closed circuit television, card keys, and other security systems);	Service Providers

		activities, events and promotions; for developing new goods and services, enhancing, improving or modifying our Services, identifying usage trends, determining the effectiveness of our promotional campaigns and operating and expanding our business activities.	
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Highmark has not sold consumers' Personal Information in the twelve (12) months preceding the Effective Date of this Privacy Policy.

If you are a California resident, pursuant to the CCPA, you have the right to request:

- the categories of Personal Information Highmark has collected about you;
- the categories of sources from which your Personal Information is collected;
- the business or commercial purpose of collecting or selling your Personal Information;
- the categories of third parties with whom Highmark shares your Personal Information;
- the specific pieces of Personal Information Highmark has collected about you;
- when and if applicable, the categories of Personal Information that Highmark has sold about you and the categories of third parties to whom the Personal Information was sold, if applicable;
- deletion of your Personal Information; and
- an opt out of having your Personal Information disclosed or sold to third parties.

To submit a request or designate an authorized agent to make a request under the CCPA on your behalf, please contact us at; [webadmin@highmarkres.com](mailto:webadmin@highmarkres.com), or the Highmark Corporate Office at (214) 561-1200. To verify your identity when you submit a request, we will match the identifying information you provide us to the Personal Information we have about you. If you have an account with us, we will also verify your identity through our existing authentication practices for your account. Request will be honored within 45 days or less, however, based on the results of verification, Highmark may take up to 90 days to honor your request.

However, Highmark will not be required to comply with your request to delete your Personal Information if it is necessary for Highmark to maintain your Personal Information in order to:

- complete the transaction for which the Personal Information was collected, provide a good or service requested by you, or reasonably anticipated within the context of Highmark's ongoing business relationship with you, or otherwise perform a contract between you and Highmark;
- detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity;
- debug to identify and repair errors that impair existing intended functionality;
- exercise free speech, ensure the right of another consumer to exercise his or her right of free speech, or exercise another right provided for by law;

- comply with the California Electronic Communications Privacy Act pursuant to Chapter 3.6 (commencing with Section 1546) of Title 12 of Part 2 of the Penal Code;
- 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 Highmark’s deletion of the information is likely to render impossible or seriously impair the achievement of such research, if you have provided informed consent;
- to enable solely internal uses that are reasonably aligned with your expectations based on your relationship with Highmark;
- comply with a legal obligation; or
- otherwise use your Personal Information, internally, in a lawful manner that is compatible with the context in which you provided the information.

Highmark will not discriminate against you in the event you exercise any of the aforementioned rights under CCPA, including, but not limited to, by:

- denying goods or services to you;
- charging different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties;
- providing a different level or quality of goods or services to you; or
- suggesting that you will receive a different price or rate for goods or services or a different level or quality of goods or services.

This Policy is available to consumers with disabilities. To access this Policy in an alternative downloadable format, please click [\[HERE\]](#).

## **Nevada Consumer Rights**

**Highmark does not currently sell your covered information as those terms are defined under applicable Nevada law.** However, you may still submit an opt-out request and we will honor that request as required by Nevada law if Highmark were to ever engage in such a sale in the future. If you are a Nevada resident and would like to opt-out of future sales of your covered information, please submit your request to [webadmin@highmarkres.com](mailto:webadmin@highmarkres.com) or the Highmark Corporate Office at (214) 561-1200. Your request must include your full name, street address, city, state, zip code, and an email address so that we can contact if needed regarding this request. You may also be required to take reasonable steps as we determine from time to time in order to verify your identity and/or the authenticity of the request. Highmark Residential will respond to your request within sixty (60) days either confirming that your request has been processed or indicating that we need an additional thirty (30) days to complete the request.

**Children’s Privacy.** We do not collect or maintain information at our Site from those we know are under 16, and we do not permit children under 16 years of age to become registered users of our Site. No part of our Site is structured to attract anyone under 16. By using our Site, you represent that you are not under 16 years of age. If you are a parent or guardian and you believe that your child under age 16 may have provided personally identifiable information through the Website, please contact us using the information in the “Contact Information” section.

**Type of Information Shared or Disclosed.** As a general rule, Highmark will not disclose Personal Information except when we have your permission or under special circumstances, such

as when we believe, in good faith, that the law requires our disclosure. We may also disclose Personal Information for business operations as described below.

We do not commercialize or share your Personal Information with third parties, unless:

- Such information is shared and/or commercialized following receipt of a specific request and/or permission from users;
- Such information is shared with affiliated companies and/or potential investors (in any form of business transaction, including purchase or merger) pursuant to an agreement which contains reasonable confidentiality arrangements;
- Such information is shared with Service Providers who work with us pursuant to an agreement which contains reasonable confidentiality arrangements;
- Such information is shared in order to comply with or in accordance with any applicable law and/or court orders and/or in order to prevent suspected illegal acts, frauds, situations involving potential threats to the safety of any person, or as otherwise required by law. This includes responding to lawful requests by public authorities, including to meet national security or law enforcement requirements;
- Such information is shared in order to help Highmark defend against claims and/or establish or exercise any legal right that Highmark may have;
- Such information is shared in order to help Highmark prevent violations of the Highmark Terms of Use and this Privacy Policy or to otherwise protect the rights, property, or safety of Highmark employees, residents and other persons others, including exchanging information with third parties for fraud protection and credit risk reduction;
- Or such information is necessary for third parties to perform contracted actions on behalf of the property. These actions may include marketing of goods and/or services common to multifamily properties that may be beneficial to applicants and/or current or past residents. The contracted third-party vendors will have appropriate Personal Information policies and opt-out functionality where needed.

Except as set forth in this Privacy Policy or as specifically agreed to by you, we will not disclose any information we gather from you on our Site. We may share your Personal Information with the Property Managers that list apartments on the Site. We also may share your Personal Information with our third-party Service Providers (including payment processors and screening companies, amongst others) or with other select third parties who offer goods or services we think may be of interest to you. From time to time, we may partner with other organizations or companies to provide co-sponsored or co-branded promotions, services or events and may share your Personal Information with our co-sponsor. We also may provide your Personal Information to Service Providers or contractors to perform functions on our behalf, such as, but not limited to, companies or individuals hired to: communicate news, deliver Highmark's promotional materials via e-mail and direct mail, to develop, enhance, market or provide any of Highmark's products, to process credit card payments and to assist Highmark with sending communications and performing other marketing and support functions. These third parties may use technologies to measure the effectiveness of ads and emails and use information about your visits to our Site so that we may provide you with a better experience on our Site. Highmark also may use third-party social media platforms, including third-party social media websites, to communicate with you.



Resident information shared with third parties that are considered part of our core business practices, such as credit screening and background screening, is required to conduct business and cannot be exempted from these services. Information shared with select third parties for promotional or marketing purposes will have opt-out provisions in compliance with all applicable laws.

We also may share with third parties, including, without limitation, our corporate partners, aggregated demographic and statistical information that is not personally identifiable (including, for example, the number of users who searched for certain types of housing, the daily number of unique visitors to the Site, how many users clicked on a particular advertisement and how many users were using a certain internet Service Provider).

Highmark also may disclose an individual's Personal Information:

- to a person who in the reasonable judgment of Highmark is seeking the information as an agent of the individual;
- in situations where sharing or disclosing your information is required in order to offer you products or services you may desire;
- to a third party or parties, where disclosure is required or permitted by law, a judicial proceeding, a criminal investigation, a court order, or legal process; if, in the reasonable judgment of Highmark, it is necessary to enforce compliance with our internal policies or the Terms of Use, to prevent illegal activity or suspected fraud, or to protect our Site, customers, or others; and
- to any other entity that acquires all or a portion of our organization by merger, and by using this website and providing your Personal Information, you consent to this transfer, provided use of the Personal Information will remain in accordance with the Privacy Policy in place at the time of the transferee organization, operation of law, or a sale of some or all of Highmark's assets.

Highmark may be required to use or disclose your information in connection with a legal action or other proceeding, including without limitation, in response to a court order or a subpoena. We also may disclose such information in response to a law enforcement agency's request.

Through the Site, Highmark may make available areas that allow for user interaction, including blogs, forums, bulletin board services, chat areas, or other message and communications features. Some of these forums may require registration. Please remember that any information that is disclosed in these areas becomes public information, and you should exercise caution when deciding to disclose your Personal Information.

**Securing Information.** Highmark is committed to protecting the security of any Personal Information you provide to us. We maintain commercially reasonable safeguards to maintain the security and privacy of Personal Information that you provide to us. In spite of these protections, Highmark cannot guarantee the security of any data submitted over the Internet. After your information reaches Highmark, however, it is stored on servers (or in the case of information received from you in person, in writing or over the phone, in physical storage areas as well as servers where data may be entered or physical items scanned) protected by procedures and technology designed to block reasonably foreseeable intrusions by unauthorized third parties. We

may store and process your Personal Information in the United States or any other country in which we or our agents maintain facilities. By using the Site, you consent to the transfer of your information among these facilities, including those located outside your home country.

We limit access to Personal Information to employees who we believe reasonably need to receive such information to provide our services or in order to do their jobs, and we take the precautions we deem reasonable to protect the security of users' Personal Information. We also work very hard to ensure that our employees are aware of the sensitivity of the data submitted to us and that they handle it with care, being careful not to allow any improper access by third parties. However, as in many computer systems, internet applications and software programs, unauthorized use, failure of hardware or software, etc. may be injurious to the confidentiality of users' Personal Information.

If users have any questions about security, please contact us using the information in the "Contact Information."

**Encryption.** Because the security of all Personal Information associated with our users is of utmost concern to us, we periodically review and improve our security and this Privacy Policy as necessary when new technology becomes available. We make use of industry standard AES 256-bit encryption during the transmission of any data, and where possible, all data is stored in a similar encrypted format.

**E-Mail Consent and Opt-Out.** Your provision of Personal Information through any of our registration forms on this Site constitutes your affirmative consent that we may contact you by email to provide you with information and notices relating to the property where you reside, on various similar services available to you at or through that property and on various other properties that may be available and of interest to you in the future. It also means we may email you regarding updates to this Privacy Policy.

You may choose to opt-out of receiving future commercial email messages from us as a result of your use of this Site. Each bulk email sent by us contains a link with instructions on how to remove yourself from our email list. Please note that if you are a resident of a Highmark community and you use this Site and your community Site, each may have a distribution list that requires a separate opt-out provision. You will also need to opt-out separately from any bulk e-mail sent by a third party on behalf of Highmark or any third-party Sites you have registered with. Please see the section on Third-Party Websites.

**Retention and Destruction of Personal Information.** In order to provide you with the products and services you request, answer questions you may have about the products and services provided, and for our own accountability to external regulatory bodies, we retain your information for a period during which Highmark has an ongoing business relationship with you. After said time that Highmark has completed providing products and services, some information may be retained for a reasonable period of time to resolve any outstanding business matters that exist or may arise. We remove information periodically when it appears, we will no longer have a need to contact you and the potential business concerns have passed. However, we will promptly remove such information upon your written request. Paper files containing Personal Information are destroyed, and we destroy electronic information by deleting it. When we

discard hardware that was used to store data, we ensure that the data is deleted and erased to a reasonable business standard or that the hardware is physically destroyed.

**Your Consent and Policy Changes.** By using the Site, you expressly consent, without qualification, to the collection, use and disclosure of information, including Personal Information, as described in this Privacy Policy. If you do not agree to the terms of this Privacy Policy, you are not authorized to use the Site. If we decide to change our Privacy Policy, we will advise users of those changes through a general description at the top of this Privacy Policy and may also post these details to other places we deem appropriate so our users are aware of what information we collect, how we use it, and under what circumstances, if any, we disclose it. We may also email you. By using the Site after the effective date of any modification to the Privacy Policy, you agree to the new terms expressly consent, without qualification, to the collection, use and disclosure of information, including Personal Information, as described in the new Privacy Policy.

**Contact Information.** You may contact us by mail at Highmark, Attn.: Information Systems, 5429 LBJ, Suite 800, Dallas, Texas 75240. If you contact us by mail, your communication should clearly be marked as a data protection query and as being time sensitive.