

Last Updated December 20, 2019

This Privacy Policy explains how information about you is collected, used and disclosed by ZenPayroll, Inc., a Delaware corporation doing business as Gusto, and its subsidiaries and affiliates (collectively, "Gusto," "we," "us" or "our") when you access or use our website (the "Site") and our online payroll, benefits, human resources and other services (the "Service"), which are provided through the Site. By using the Site and/or the Service, you consent to the collection, use and disclosure of your information as outlined in this Privacy Policy.

December 2019 changes to this Privacy Policy: We included more specificity about what information we're collecting, who we're collecting it from, and how we're using it; revised sections to reflect our most current data collection activities and related technologies; added a notice to California consumers pursuant to the California Consumer Privacy Act (CCPA), which went into effect on January 1, 2020; updated the method by which consumers can contact us regarding privacy-related inquiries.

1. Information We Collect and How We Collect It

In connection with your access to the Site and/or use of the Service, we collect and store certain information about you. Some of this information can be used on its own or in combination with other information to identify you individually. We call that information "personal information." We collect personal information and other information as described below:

- *Information You Provide.* We collect your personal information when you, your employer, or your employer's accountant partner register to use the Service, provide information when using the Site or the Service, update your account information, add additional services, submit information to verify your identity, contact us with questions or feedback, or otherwise communicate with us. This personal information may include your name, mailing address, email address, phone number, date of birth, bank account information, Social Security number or taxpayer identification number, and benefits enrollment information.
- *When You Choose to Participate in Market Research Programs.* We may collect information from you, including personal information, if you choose to participate in a market research program or survey.
- *Public Information.* We may collect information about you from public sources, such as public social media pages.
- *Information from Third Parties.* We may collect and receive information about you, including personal information and financial account information, from third parties, such as financial institutions and our service providers, for identity verification, fraud protection, risk assessment, providing the Service, and other purposes. We may collect your business or personal information from credit bureaus for the foregoing purposes as well. In addition, we may receive demographic and business industry information about you from third parties to help us better understand our users and to improve and market the Service.
- *Health and Health Insurance Information.* If you or your employer uses the Service to manage your health benefits (the "Benefits Service"), we may receive health information about you and your dependents in order to provide the Benefits Service. The health information may include information about your insurance carrier, insurance plan and claims you submit for coverage. We receive the health information (i) directly from you when you submit enrollment or claims information, or otherwise provide health information to us; (ii) from the primary policyholder on your benefits plan, if you are a spouse or dependent of the primary policyholder; (iii) from your employer; (iv) from insurance carriers; or (v) from other third-party administrators.
- *Automatically Collected Information.* We automatically collect certain usage information when you access the Site or use the Service, such as your device identifier (if using a mobile device), Internet Protocol (IP) address (if using a browser), operating system, browser type and the address of a referring site. We also automatically collect certain usage information through cookies and related technologies, as described below.
- *Single Sign-On Information.* Single Sign-On ("SSO") allows you to sign in to the Service from another service you use and with which we partner. We will collect certain information for security purposes in order to verify your authorized access to the

Service, including your username and password for the other service.

2. Third-Party Software, Cookies and Other Related Technologies

We may use cookies, pixel tags, web beacons and other similar technologies to better understand how you interact with the Site, monitor aggregate usage by our users, and monitor web traffic routing on the Site to help us improve the Site or the Service. Most Internet browsers let you change the browser's settings to stop accepting cookies or to prompt you before accepting a cookie from websites you visit. If you do not allow cookies, you may not be able to use some or all portions or functionality of the Site or the Service.

We partner with third parties to manage our advertising on other sites and to determine performance of the Site. Such partners may use cookies, pixel tags, web beacons and other related technologies to collect information about your activities on the Site and other sites so that we can (i) provide advertising that may be of interest to you, (ii) evaluate the efficacy of our marketing programs and the Site, (iii) monitor, analyze, improve and develop the Site and the Service, and (iv) prevent, identify and address fraudulent or other illegal activity and security issues. To prevent our partners from collecting your information for these purposes, you can visit <http://preferences-mgr.truste.com> to opt out of certain advertising networks.

We use Plaid Technologies, Inc. ("Plaid") to collect information from financial institutions. By using the Service, you acknowledge and agree that such information will be treated in accordance with Plaid's [Privacy Policy](#).

3. Use of Your Information

We use information that we collect about you for the following purposes:

- to administer the Site, manage accounts and provide the Service;
- to monitor, analyze, improve and develop the Site and the Service, and to create and test new Service features;
- to provide a more customized experience on the Site, the Service and/or our partners' websites;
- to understand our users better;
- to validate user information provided to us for fraud and risk detection purposes;
- to determine eligibility for the Service and our partners' programs;
- to prevent, identify and address fraudulent or other illegal activity and security issues;
- to (i) solicit feedback, (ii) respond to your, your employers', or your employers' accountant partners' comments, requests or inquiries, (iii) provide customer service and support, or (iv) otherwise contact you in connection with the Site or the Service;
- to generate anonymized, aggregated data containing only de-identified, non-personal information that we may use to publish reports;
- for our marketing purposes, such as (i) informing you of our or our partners' products, services, features or offerings that may be of interest to you, (ii) providing you with newsletters, articles, reports, updates and announcements, as well as information about upcoming events, (iii) contacting potential customers you have referred to us via a referral program ("Referred Leads"), (iv) improving and tailoring our advertising and communications, (v) analyzing our marketing efforts, and (vi) determining your eligibility for certain programs, events and offers;
- to operate our business, which includes, without limitation, using your information (i) to process payment transactions, (ii) to manage and enforce contracts with you or with third parties, (iii) to manage our corporate governance, compliance and auditing practices, and (iv) for recruitment purposes, if you submit an application for employment with Gusto;
- to (i) comply with laws, rules and regulations, including any disclosure or reporting obligations, (ii) resolve disputes with users or third parties, (iii) respond to claims and legal process (including but not limited to subpoenas and court orders) as we deem necessary or appropriate, (iv) protect our property rights or those of third parties, (v) protect the safety of the public or any

person, and (vi) prevent or stop any activity that we consider to be (or to pose a risk of being) illegal, unethical or legally actionable; and

- for any other purpose for which you, your employer, or your employer's accountant partner expressly authorize us to use your information.

4. Sharing and Disclosure of Your Information

We will only share your information with the third parties listed below for the purposes described above in the "Use of Your Information" section, unless otherwise noted at the point of collection:

- government agencies and taxing authorities, as required to provide the Service, including but not limited to the Internal Revenue Service, state and local tax agencies, and state and federal regulatory agencies;
- insurance carriers and other third parties as needed to carry out the Benefits Service in accordance with HIPAA (as defined below) requirements (which may include but not be limited to facilitating benefits plan enrollments, health care operations, consumer health, wellness, and dependent care claims, and insurance payments);
- banking and financial institutions;
- certain parties as necessary to respond in good faith to legal process (including but not limited to subpoenas and court orders);
- legal and financial advisors and auditors;
- third-party agents, partners and service providers, who (i) are only permitted to use your information as we allow (which may include contacting you on our behalf), and (ii) are required under law or contract to keep your personal information confidential; and
- the following third parties under the circumstances described below:
 - we may share business or personal information with credit bureaus, and we may share information with certain companies, banks and organizations for purposes such as fraud prevention or determining eligibility for the Service;
 - if you participate in a referral program, the referral email and referral link sent to any Referred Leads may include your first name;
 - if there is a sale of Gusto (including, without limitation, a merger, stock acquisition, sale of assets or reorganization), or in the event that Gusto liquidates or dissolves, we may sell, transfer or otherwise share some or all of our assets, which could include your information, to the acquirer;
 - we may share de-identified personal information with academic institutions to perform research, under controls that are designed to protect your privacy—including requiring such institutions to operate under confidentiality agreements and mandating that published findings contain only de-identified and aggregated data;
 - from time to time, we may share reports with the public that contain anonymized, aggregated, de-identified information and statistics; and
 - we may share your information with certain other third parties with whom you, your employer, or your employer's accountant partner expressly authorize us to share your information.

We do not share information with third parties for their own direct marketing purposes. If we disclose any protected health information (as that term is defined in 45 C.F.R. Part 160) to third parties, we will do so in accordance with the Health Insurance Portability and Accountability Act, as amended ("HIPAA"), the Health Information Technology for Economic and Clinical Health Act, as amended ("HITECH"), and any other applicable state and federal privacy and security laws, as they may be amended from time to time.

5. Your Choices

Reviewing Your Information

You may review, update, or correct your personal information through your account or by contacting us at support@gusto.com.

Promotional Communications

You may unsubscribe from marketing and promotional emails that we send to you by following the opt-out instructions contained in such emails or by unsubscribing at <https://go.gusto.com/pls-dont-leave-us.html>. If you opt out of receiving marketing and promotional emails from us, we may still need to send you emails related to your account and the Service.

Do Not Track

The Site does not currently have the capability of responding to "Do Not Track" signals received from various browsers.

6. Security

We employ administrative, physical and technical measures designed to protect your information from unauthorized access and to comply with HIPAA, HITECH and other applicable state and federal privacy and security laws. However, despite these efforts, no security measures are perfect or impenetrable and no method of data transmission can be guaranteed to prevent any interception or other type of misuse. We also depend on you to protect your information. If you become aware of any breach of security or privacy, please notify us immediately.

7. Links to Other Sites

The Site and/or the Service may contain links to other sites. Any information you provide on a third-party site is provided directly to the owner of that site and is subject to that party's privacy policy. This Privacy Policy does not apply to such sites, and we are not responsible for the content, policies, or privacy and security practices of such sites.

8. Our Policy Toward Children

The Service is not directed to children under 13 and we do not knowingly collect personal information from children under 13. However, if a child under the age of 13 is a dependent on a benefits plan covered by the Benefits Service, we may collect information about the child (solely as needed to provide the Benefits Service) from the child's parent or legal guardian, or from insurance carriers and third-party administrators.

9. Notice to California Consumers

Pursuant to the California Consumer Privacy Act of 2018 ("CCPA"), natural persons who are California residents have certain rights concerning their personal information held by Gusto, as described below.

Right to Know About Personal Information Collected, Disclosed, or Sold

You have the right to request that we disclose what personal information Gusto collects, uses, discloses, and sells. You may submit a consumer request to know this information through our [online request portal](#) or by calling us at (888) 481-0994. In order to verify your request, we will ask you to provide your name, email address, and certain other pieces of identifying information. Once you have submitted this information and any necessary supporting documentation, we will confirm the information by reviewing it against Gusto's records.

Below is a table indicating (i) the categories of personal information (as defined in the CCPA) we may collect about you; (ii) the categories of sources from which that information is collected; (iii) the business and/or commercial purposes for collecting that information; (iv) the categories of third parties to whom that information is disclosed; and (v) the business and/or commercial purposes for disclosing that information:

Category of Personal Information	Categories of Collection Source(s)	Business and/or Commercial Purpose(s) for Collection	Categories of Third-Party Recipient(s)	Business and/or Commercial Purpose(s) for Disclosing
Identifiers (e.g., name, alias, email address, mailing address, phone number, signature)	<p>You, the consumer (e.g., when you take a survey or visit Gusto's office);</p> <p>third-party vendors or partners (including accountant partners, product partners, business development partners, and bank partners) of Gusto;</p> <p>an individual who has referred you to Gusto;</p> <p>social media</p>	<p>Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity; short-term, transient use, provided that the personal information collected for such use is not disclosed to third parties and is not used to build a profile about you or otherwise alter your experience outside the current interaction;</p> <p>performing services on behalf of Gusto;</p> <p>undertaking internal research for technological development and demonstration;</p> <p>undertaking activities to verify or maintain the quality or safety of a service that is owned or controlled by Gusto, and to improve, upgrade, or enhance the service that is owned or controlled by Gusto;</p> <p>advancing Gusto's commercial or economic interests</p>	<p>Third-party vendors or partners (including accountant partners, product partners, business development partners, and bank partners) of Gusto;</p> <p>independent contractors of Gusto</p>	<p>Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity; short-term, transient use, provided that the personal information collected for such use is not disclosed to third parties and is not used to build a profile about you or otherwise alter your experience outside the current interaction;</p> <p>performing services on behalf of Gusto;</p> <p>undertaking internal research for technological development and demonstration;</p> <p>undertaking activities to verify or maintain the quality or safety of a service that is owned or controlled by Gusto, and to improve, upgrade, or enhance the service that is owned or controlled by Gusto;</p> <p>advancing Gusto's commercial or economic interests</p>
Commercial information (e.g., sales engagement history, purchase and consumption history)	Third-party vendors or partners (including accountant partners, product partners, business development partners, and bank partners) of	Advancing Gusto's commercial or economic interests	Third-party vendors or partners (including accountant partners, product partners, business development partners, and bank partners) of	Advancing Gusto's commercial or economic interests

	Gusto		Gusto; independent contractors of Gusto	
Biometric information (e.g., photographs of office visitors for identification badges)	You, the consumer (e.g., when you visit Gusto's office)	<p>Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity; short-term, transient use, provided that the personal information collected for such use is not disclosed to third parties and is not used to build a profile about you or otherwise alter your experience outside the current interaction;</p> <p>undertaking activities to verify or maintain the quality or safety of a service that is owned or controlled by Gusto, and to improve, upgrade, or enhance the service that is owned or controlled by Gusto</p>	Third-party vendors or partners (including accountant partners, product partners, business development partners, and bank partners) of Gusto	<p>Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity; short-term, transient use, provided that the personal information collected for such use is not disclosed to third parties and is not used to build a profile about you or otherwise alter your experience outside the current interaction;</p> <p>undertaking activities to verify or maintain the quality or safety of a service that is owned or controlled by Gusto, and to improve, upgrade, or enhance the service that is owned or controlled by Gusto</p>
Internet or other electronic network activity information (e.g., online identifier, Internet Protocol address, unique personal identifier, web history, advertising history)	Third-party vendors or partners (including accountant partners, product partners, business development partners, and bank partners) of Gusto	Advancing Gusto's commercial or economic interests	Third-party vendors or partners (including accountant partners, product partners, business development partners, and bank partners) of Gusto; independent contractors of Gusto	Advancing Gusto's commercial or economic interests
Geolocation data (e.g., the location from	Third-party vendors or partners	Advancing Gusto's commercial or economic interests	Third-party vendors or partners	Advancing Gusto's commercial or economic interests

<p>which you're logging in)</p>	<p>(including accountant partners, product partners, business development partners, and bank partners) of Gusto</p>		<p>(including accountant partners, product partners, business development partners, and bank partners) of Gusto;</p> <p>independent contractors of Gusto</p>	
<p>Professional or employment-related information (e.g., employment history, employer name)</p>	<p>You, the consumer (e.g., when you take a survey);</p> <p>third-party vendors or partners (including accountant partners, product partners, business development partners, and bank partners) of Gusto;</p> <p>social media</p>	<p>Undertaking internal research for technological development and demonstration;</p> <p>undertaking activities to verify or maintain the quality or safety of a service that is owned or controlled by Gusto, and to improve, upgrade, or enhance the service that is owned or controlled by Gusto;</p> <p>advancing Gusto's commercial or economic interests</p>	<p>Third-party vendors or partners (including accountant partners, product partners, business development partners, and bank partners) of Gusto;</p> <p>independent contractors of Gusto</p>	<p>Undertaking internal research for technological development and demonstration;</p> <p>undertaking activities to verify or maintain the quality or safety of a service that is owned or controlled by Gusto, and to improve, upgrade, or enhance the service that is owned or controlled by Gusto;</p> <p>advancing Gusto's commercial or economic interests</p>
<p>Education information (e.g., education history)</p>	<p>Third-party vendors or partners (including accountant partners, product partners, business</p>	<p>Advancing Gusto's commercial or economic interests</p>	<p>Third-party vendors or partners (including accountant partners, product partners, business</p>	<p>Advancing Gusto's commercial or economic interests</p>

	development partners, and bank partners) of Gusto; social media		development partners, and bank partners) of Gusto; independent contractors of Gusto	
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Right to Request Deletion of Personal Information

You have the right to request the deletion of your personal information collected or maintained by Gusto. You may submit a consumer request to delete this information through our [online request portal](#) or by calling us at (888) 481-0994.

In order to verify your request, we will ask you to provide your name, email address, and certain other pieces of identifying information. Once you have submitted this information and any necessary supporting documentation, we will confirm the information by reviewing it against Gusto’s records.

Right to Non-Discrimination for the Exercise of a Consumer’s Privacy Rights

You have the right not to receive discriminatory treatment by Gusto for exercising the privacy rights granted by the CCPA.

Gusto does not and will not sell personal information of any consumer (including personal information of minors under 16 years of age).

In order to exercise the rights described above, you may designate an authorized agent to make a request under the CCPA on your behalf.

10. Changes to this Privacy Policy

Any information that we collect is subject to the Privacy Policy in effect at the time such information is collected. We may, however, modify and revise our Privacy Policy from time to time. If we make any material changes to this policy, we will notify you of such changes by posting them on the Site, informing you through the Service, or sending you an email or other notification, and we will indicate when such changes will become effective. By continuing to access or use the Site or the Service after those changes become effective, you are agreeing to be bound by the revised policy.

11. Contact Information

Please contact us at privacy@gusto.com if you have any questions about our Privacy Policy and/or our privacy practices.