

## PRIVACY POLICY

This Privacy Policy (Policy) explains how Hoge Fenton Jones & Appel (Hoge Fenton, we, or us) collects, uses, and discloses information about you when you use our websites, [www.hogefenton.com](http://www.hogefenton.com) or [www.dirtlawyer.com](http://www.dirtlawyer.com) (Sites), when you attend our events, or when you otherwise interact with us as stated below. This Policy also describes your privacy rights and how you can exercise them. By using our Sites, you are consenting to our handling of your information as set forth in this Policy.

### The types of information we collect

Information you provide to us. We collect information that you provide directly to us. For example, we collect information when you interact with us as a client or prospective or former client, send us an email, register for a newsletter or an event, apply for a job, or otherwise communicate with us through our Sites. The types of information we may collect include your name, postal address, email address, phone number, current occupation and business contact information, social security number, employment application information (including education and work history), state bar number, and any other information you choose to provide to us.

Information about your use of our sites. We collect information about your use of the Sites, including your browser type and language, access times, pages viewed, Internet Protocol (IP) address, the unique number assigned to your server or internet connection, and other information regarding your interaction with the Sites.

Information we collect from third parties. We may also receive information from third parties and other sources which we may combine with information we receive from you.

### How we use the information we collect

We use the information we collect from you for various purposes, including the following:

- Providing legal services;

- Responding to your email or telephone inquiries;
- Communicating with you about upcoming events, legal developments, or other materials we think will be of interest to you;
- Assessing job applicants and making hiring decisions; and
- As is usual and customary for professional services companies.

## When and with whom we share this information

We will share your information with third parties only as described in this Privacy Policy. We do not sell your information to third parties.

- **Vendors and Service Providers:** We may on occasion share your information with our vendors and service providers who are working on our behalf and need access to your information to carry out their work for us.
- **To Protect Ourselves or Others:** We may access, preserve, and disclose your information and other information if we believe doing so is required or appropriate to: (1) comply with law enforcement or national security requests and legal process such as a court order or subpoena; (2) protect your, our, or others' rights, property, or safety; (3) to enforce our policies or contracts; or (4) in response to your consent or at your direction to disclose the information.
- **Merger, Sale, or Other Asset Transfers:** If we are involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, receivership, sale of company assets, or transition of service to another provider, then your information may be shared as part of such a transaction as permitted by law and/or contract.

## Consumers residing in California

If you are a resident of California, you have the right to request a copy of the specific personal information collected about you during the 12 months before your request, and the right to have such information deleted. The term "personal information" has the same meaning given to it by the California Consumer Privacy Act (CCPA). Disclosure would include our firm's data collection and sales practices, including the categories and specific pieces of personal information we have collected, the source from which the personal information is collected, the business purpose of collection, our use of the personal information and, if the information was disclosed or sold to third parties, the categories of personal information disclosed or sold to third parties and the categories of third parties to whom such information was disclosed or sold.

Your request for a copy of the specific personal information can be made only twice during the 12-month period. After we have verified your identity, we will provide a response within 45 days of receiving your request. The same procedure is followed for your request for deletion. You also

have the right not to be discriminated against because you exercised any of your rights. You can make your request through the following channels:

- via the web at <https://www.hogefenton.com/contact/>
- toll-free telephone at +1.866.999.1952
- email at [Privacy@HogeFenton.com](mailto:Privacy@HogeFenton.com)
- write to us at:  
Privacy Officer  
Hoge Fenton  
60 South Market Street, Suite 1400  
San Jose, CA 95113

## Your California Privacy Rights

We do not disclose your personal information for third parties' direct marketing purposes. However, California's Shine the Light law gives customers who are California residents the right to ask us, once a year, (1) what personal Information we disclosed to third parties for those third parties' direct marketing purposes in the prior calendar year; and (2) the identities of the companies with which we shared the information. The terms "customers" and "personal information" have the meaning set out in California Civil Code Section 1798.83.

### Children's privacy

The Sites are not directed to children under the age of 13 in the U.S. We do not knowingly collect, use, or disclose personal information from anyone under 13 years of age. The term "personal information" has the same meaning as set out in the Children's Online Privacy Protection Act (COPPA). If we determine upon collection that a user is under this age, we will not use or maintain his/her/their personal information without the parent or guardian's consent. If we become aware that we have unknowingly collected personal information from a child under the age of 13, we will make reasonable efforts to delete such information from our records.

## For California consumers

Our Sites are not directed to children in California and we do not sell any personal information, including personal information of children under the age of 16, to third parties. Nevertheless, under CCPA, if we know that the California consumer is younger than 16 we will not sell the consumer's personal information without consent from the consumer's parent or guardian for a consumer younger than 13, or from the consumer if he/she/they are between 13 and 16 years of age.

### **Rights of access, rectification, erasure, and restriction**

Exercising your rights: You may inquire as to whether we are processing information about you, request access to your information, and ask that we correct, amend, or delete your information where it is inaccurate by contacting us as indicated below in "Contact us."

Procedure: Although we make good faith efforts to provide you with access to your information, there may be circumstances where we are unable to provide access, including but not limited to: where the information contains legal privilege or would compromise others' privacy or other legitimate rights, where the burden or expense of providing access would be disproportionate to the risks to the your privacy in the case in question, or where it is commercially proprietary. If we determine that access should be restricted in any particular instance, we will provide you with an explanation of why that determination has been made and a contact point for any further inquiries. To protect your privacy, we will take commercially reasonable steps to verify your identity before granting access to or making any changes to your information.

### **Choice – Your ability to opt out of notifications**

Where you have consented to our processing of your information, you may withdraw that consent at any time and opt out of further processing by following the instructions in this section. Even if you opt out, we may still collect and use certain information regarding your activities on our Sites and/or information from the advertisements on third party websites for non-interest-based advertising purposes, such as to determine the effectiveness of the advertisements.

### **Promotional Communications**

If you would like to discontinue receiving promotional communications from us, you may update your email preferences by using the "Unsubscribe" link found in emails we send to you. You may also change your preferences by emailing [Privacy@HogeFenton.com](mailto:Privacy@HogeFenton.com) or by contacting us as

indicated below in "Contact us."

## **"Do Not Track"**

Do Not Track (DNT) is a privacy preference that users can set in certain web browsers. DNT is a way for users to inform websites and services that they do not want certain information about their webpage visits collected over time and across websites or online services. We do not recognize or respond to browser-initiated DNT signals. For information about DNT please visit <https://allaboutdnt.com/>.

## **Cookie Notice**

We use cookies and similar technologies on our Sites. You can find out about cookies and how to control them below. This Cookie Notice explains how we use cookies in connection with the Sites. If you do not accept the use of these cookies, please disable them by following the instructions in this Cookie Notice. This will, however, limit your ability to fully access the Sites.

**What Are Cookies?** A cookie is a small text file stored on a user's computer for record-keeping purposes. When you visit, access, or use the Sites, we may – by means of cookies, beacons, tags, scripts, and/or similar technologies – automatically collect technical data. Cookies have many functions, like letting you navigate between web pages efficiently, remembering your preferences, and generally improving your user experience. Most websites, including our Sites, employ cookies.

**How and Why We Use Cookies.** The cookies we use are essential to the proper functioning of the Sites and cannot be switched off in our system. These capture and store users' preferences, account settings, and certain log-in information (mainly for convenience, user verification, and account security). These cookies typically are set in response to actions made by you, such as a request for access to our Sites, setting your privacy preferences, logging in, or filling in forms.

**Disabling Cookies.** You can set your browser to block or alert you about these cookies, but because the cookies we use are essential, if you do block them, some parts of our Sites will not work.

## **Security of your information**

We maintain reasonable safeguards to protect your information against loss, unauthorized use, disclosure, or destruction, and when transferring information for processing and require third

party services to do the same on our behalf. However, no electronic data transmission or storage of information can be guaranteed to be 100% secure. Please note that we cannot ensure or warrant the security of any information you transmit to us.

## **Links to other websites and third-party content**

Our Sites may contain links to other third-party websites not owned or operated by us. Examples of this are social media sites like LinkedIn, Twitter, and Facebook. Our Privacy Policy applies only to our Sites. We are not responsible for the privacy practices or the content of third-party websites. Any information you disclose to other websites are not subject to the provisions of this Privacy Policy. You should check the privacy policies of those sites before providing your information to them.

## **Data retention**

We will retain your information for as long as needed to provide our services, or as otherwise permitted by law. We will retain and use this information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

## **Changes and policy updates**

We may change this Privacy Policy at any time without prior notice to you, and any changes will be effective immediately upon the posting of the revised Privacy Policy on the Sites. For the latest information on our privacy practices you may visit this page.

## **Contact us**

If you have any questions about our Privacy Policy, please contact us:

Privacy Officer

Hoge Fenton

60 South Market Street, Suite 1400

San Jose, CA 95113

Phone: +1.408.287.9501

Email: **[Privacy@HogeFenton.com](mailto:Privacy@HogeFenton.com)**

