

# Privacy Notice for California Residents

Effective Date: 01/01/2020

This Privacy Notice for California Residents (“Notice”) supplements the information contained in Press Ganey Associates LLC’s (“Press Ganey,” “we,” “our,” or “us”) [Privacy Policy](#) and applies solely to all visitors, users, and others who reside in the State of California (“consumers” or “you”). We adopt this Notice to comply with the California Consumer Privacy Act of 2018 (“CCPA”) and any terms defined in the CCPA have the same meaning when used in this Notice. If you are a California resident with disabilities, and need to be provided with an accessible version of this Notice, please Contact Us using the information below.

## Applicability

Generally, Press Ganey acts as a service provider (as defined by the CCPA) and offers its customers an integrated solution to collect, survey and analyze patient, workforce member, and customer feedback. As part of our services, our customers (typically either your health care provider, employer, or other company that is Press Ganey’s direct customer) may share your information with us for Press Ganey to contact you about your experiences. When we are collecting information from you on behalf of our customers, we will only collect, use, and otherwise process your personal information as directed by our customers or as otherwise permitted by the CCPA and applicable law. Accordingly, this Notice does not apply to the extent we process personal information in the role of a service provider on behalf of our customers.

**To this end, if you have received a survey from Press Ganey on behalf of your health care provider, employer, or other company that is Press Ganey’s direct customer, this Notice does not apply to your information. For detailed privacy information related to when we process your information on behalf of a Press Ganey customer, or if you would like to request or exercise any of your rights under applicable law for any Personal Data we may have collected from you, please reach out to the respective customer directly.** If you are unsure what customer directed us to collect information on their behalf from you, please consult the survey invitation you received that directed you to our services. Because we may only access a customer’s data upon instruction from that customer, if you wish to make your request directly to us, please provide to us the name of the Press Ganey customer who submitted your data to us. We will refer your request to that customer, and will support them as needed in responding to your request within a reasonable timeframe. We are not responsible for the privacy or data security practices of our customers, which may differ from those set forth in this Notice and our Privacy Policy.

**If you are personnel of a Press Ganey customer who is using the site to review, analyze, or otherwise process survey responses in your professional role, this Notice does not apply to you. In such a case, we only collect business related information from you (i.e., email and username), and we do not use, share, or otherwise process any of your personal information except to perform our services or as otherwise set forth in the agreement between you and your employer. Accordingly, for detailed privacy information related to your use of the Site when receiving or using our services, or if you need to access or delete any personal data we may have collected from you as permitted by applicable law or the agreement between us and our customer, please reach out to your employer directly.**

Further, this Notice does not apply to:

- Information or organizations excluded from the CCPA's scope, including:
  - Medical information governed by the California Confidentiality of Medical Information Act (CMIA), protected health information collected by a covered entity or business associate governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), or a provider of health care governed by the CMIA or covered entity governed by HIPAA to the extent the provider or covered entity maintains patient information in the same manner as medical information or protected health information under the CMIA or HIPAA, respectively;
  - Information collected as part of a clinical trial subject to the Common Rule, pursuant to good clinical practice guidelines issued by the International Council for Harmonisation or pursuant to human subject protection requirements of the U.S. Food and Drug Administration (FDA);
- Publicly available information from government records;
- Deidentified or aggregated consumer information; and
  - Other exclusions as set forth under applicable CA law.

Note that information regarding Press Ganey job applicants, employees, owners, directors, officers, or contractors, emergency contact information from the same, and information necessary for Press Ganey to administer benefits to the same, and information Press Ganey obtains from a consumer acting on behalf of a Press Ganey and whose communications with Press Ganey occur solely within the context of Press Ganey conducting due diligence regarding, or providing or receiving a product or service to or from another Press Ganey, are generally exempt from much of CCPA. In the event that Press Ganey is not acting as a service provider, and your personal information is not otherwise excluded as set forth above, the following information applies to how we, collect, use, and share your personal information, e.g. via the website.

# Information we collect

Our Website collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device (“personal information”). In particular, Press Ganey’s www.pressganey.com website (“Website”) has collected the following categories of personal information from its consumers within the last twelve (12) months:

Category	Examples	Collected
A. Identifiers.	A real name, postal address, unique personal identifier, online identifier, Internet Protocol address, professional information, email address, account name, or other similar identifiers.	Yes
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, address, telephone number, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	Yes
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	No, unless requested by our customers (in which case this Notice would not apply).
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	No
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	No

<b>Category</b>	<b>Examples</b>	<b>Collected</b>
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	Yes
G. Geolocation data.	Physical location or movements.	Yes
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	No
I. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	No
J. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	No

Press Ganey obtains personal information from the following categories of sources:

- We collect Category A and B information directly from you. For example, from forms you complete or other information you provide directly to us.
- We collect Category A, F, and G information indirectly from you. For example, from observing your actions on our Website.

# Use of personal information

We may use or disclose all the above categories of personal information we collect for one or more of the following business purposes:

- To fulfill or meet the reason you provided the information.
- To provide, support, personalize, and develop our Website, products, and services.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To help maintain the safety, security, quality, and integrity of our Website, products and services, databases and other technology assets, and business, including to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, and prosecute those responsible for that activity, and to debug to identify and repair errors that impair existing intended functionality.
- For testing, research, analysis, and product development and demonstration, including to develop and improve our Website, products, and services.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Press Ganey's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by Press Ganey about our Website users is among the assets transferred.
- As described to you when collecting your personal information or as otherwise set forth in the CCPA.

Press Ganey will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

# Sharing personal information

Press Ganey may disclose your personal information to a third party for a business purpose. When we disclose personal information for a business purpose, we generally 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 preceding twelve (12) months, we have disclosed Categories A (Identifiers) and B (California Customer Records personal information categories) collected for a business purpose to third party vendors who provide marketing, payment processing, and other services to us.

## Sales of personal information

In the preceding twelve (12) months, Company has not sold personal information, including the sale of personal information of minors under 16 years of age without affirmative parental authorizations.

# Your rights and choices

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

## Access to specific information and data portability rights

You have the right to request that Press Ganey disclose certain information to you about our collection and use of your personal information over the past twelve (12) months. Once we receive and confirm your verifiable consumer request (**see Exercising Access, Data Portability, and Deletion Rights**), we will disclose to you:

- 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 or selling that personal information. The categories of third parties with whom we share that personal information.
- The specific pieces of personal information we collected about you (also called a data portability request). If we disclosed your personal information for a business purpose, two separate lists disclosing:
  - Sales, identifying the personal information categories that each category of recipient purchased; and disclosures for a business purpose, identifying the personal information categories that each category of recipient obtained.

## Deletion request rights

You have the right to request that Press Ganey delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see Exercising Access, Data Portability, and Deletion Rights), we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

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

- 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.
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- Debug products to identify and repair errors that impair existing intended functionality.
- Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
- Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 et. seq.).
- 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.
- Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- Comply with a legal obligation.
- Make other internal and lawful uses of that information that are compatible with the context in which you provided it.



## Exercising access, data portability, and deletion rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us by either:

- Email us at [optout@pressganey.com](mailto:optout@pressganey.com).
- Contacting us at the contact information listed below.

Only you, or a person registered with the California Secretary of State that you authorize to act on your behalf (“an Authorized Agent”), may make a verifiable consumer request related to your personal information.

You may only make a verifiable consumer request for access or data portability twice (2X) within a twelve (12) month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an Authorized Agent. Before completing your request to exercise the below, we will verify that the request came from you by requesting additional information based on the request, including but not limited to, name, email address, date and time you visited our website, forms completed while visiting our website.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

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. With few exceptions, we will only review and fulfill a request from your Authorized Agent if (a) you grant the Authorized Agent written permission to make a request on your behalf, (b) you or the Authorized Agent provides us notice of that written permission, and (c) we are able to verify your and the Authorized Agent’s identity in connection with that notice and the request.

Making a verifiable consumer request does not require you to create an account with us. However, we do consider requests made through your password protected account sufficiently verified when the request relates to personal information associated with that specific account.

We will only use personal information provided in a verifiable consumer request to verify the requestor’s identity or authority to make the request.

## Response timing and format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time, we will inform you of the reason and extension period in writing.

If you have an account with us, we will deliver our written response to that account. If you do not have an account with us, we will deliver our written response bymail or electronically, at your option.

Any disclosures we provide will only cover the twelve (12) month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

We do not charge a fee to process or respond to your verifiable consumer request unless it 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.

You do not need to create an account with us to exercise your opt-out rights. We will only use personal information provided in an opt-out request to review and comply with the request.

## Non-discrimination

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.

# Changes to our Privacy Notice

Press Ganey reserves the right to amend this Notice at our discretion and at any time. When we make changes to this Notice, we will post the updated Notice on the Website and update the Notice's effective date. **Your continued use of our Website following the posting of changes constitutes your acceptance of such changes.**

## Contact information

If you have any questions or comments about this Notice, the ways in which Press Ganey collects and uses your information described below, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

**Website:** [Contact Us](#)

**Email:** [privacy@pressganey.com](mailto:privacy@pressganey.com)

**Postal address:**

Press Ganey Associates LLC

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