

**PRIVACY POLICY**

Last updated: December 3, 2018

**1. General Information**

Fundation Group LLC (“Fundation”) owns and operates the website [www.fundation.com](http://www.fundation.com). This privacy policy (the “Privacy Policy”) describes Fundation’s policies regarding the collection, use and disclosure of Nonpublic Personal Information (as defined in the Gramm-Leach-Bliley Act) as well as certain public information (collectively “Personal Information”) received from individual and business users of [www.fundation.com](http://www.fundation.com), or any other website from which users access this Privacy Policy (collectively, the “Site”), and otherwise. The Site is intended for use of, and the Privacy Policy applies to, United States based individuals and businesses seeking to obtain Fundation products and services exclusively for commercial purposes (“Users” or “Applicants”). Fundation does not offer financial products intended for personal, family or household use. Fundation respects and is committed to protecting the privacy of its customers and all Users of the Site. Personal Information is information that personally identifies a User, which may include personal contact information, IP address, nonpublic financial information, and information provided on a loan application. Fundation uses such Personal Information to provide services and to improve the Site. By using the Site or applying for any Fundation service either on the Site or linking from a third party website, the User consents to this policy, including the User’s consent to the collection, disclosure and use of information in accordance with this Privacy Policy and as permitted under applicable law.

In accordance with the Children’s Online Privacy Protection Act (COPPA), Fundation does not knowingly request, collect, or utilize any information from children under the age of thirteen or any persons under the age of eighteen. The Site is intended as a general audience website.

**2. Information Collection and Use**

While a User uses the Site, Fundation collects and may ask a User to provide Fundation with certain personally identifiable information that can be used to contact the User, identify the User, and provide services. The information collected may include, but not be limited to, the following Personal Information:

- Contact information, including name, address, phone number and email address;
- Business information, including financial statements, bank statements and tax returns, to help Fundation assess an Applicant’s eligibility for credit;
- Banking information such as account balances and payment history, so Fundation can fund an Applicant’s credit product and receive payments;
- Social Security Number or Employer Identification Number;
- Site registration and login information;
- Credit history and/or credit scores;
- Other information that enables Fundation to identify a User, determine an Applicant’s eligibility for a loan and provide services, such as non-demographic data and data regarding a User’s use of the Site that does not identify a User; and

- Any additional Information an Applicant may provide to Foundation about other persons such as business partners or loan co-guarantors.

Foundation collects Personal Information from Users when visiting the Site to assist Foundation in providing Users information in connection with an inquiry about Foundation services. The information collected from User may vary depending upon what specific products or services a User or Applicant is requesting. Foundation may also collect Personal Information to process credit applications and to obtain credit and background reports from third party service providers.

### **3. Use of Personal Information**

Personal Information is used in the ordinary course of Foundation's business. Foundation collects Personal Information, for example, when a credit application is submitted to Foundation. Foundation uses Personal Information to verify the identity of an Applicant submitting a credit application as required under the Bank Secrecy Act and other federal law, to determine whether the Applicant qualifies for credit, to process the credit application, service the credit product, and contact the Applicant by phone, email or text message to manage the customer relationship and provide customer support. Foundation may also use Personal Information to measure the overall effectiveness of Site content, and Foundation's products and services.

Foundation may share Personal Information of Users with our third party service providers and business partners to provide loan or credit services, such as customer service and payment processing, and to verify our compliance with applicable laws. All Users and/or Applicants consent to such disclosure and Users may not opt-out of this sharing. Foundation may also disclose Personal Information:

- In response to a subpoena or similar investigative demand, a court order or a request for cooperation from a law enforcement or other government agency;
- To establish or exercise Foundation's legal rights; to defend Foundation's legal rights; to defend against legal claims; or as otherwise required by law;
- When Foundation reasonably believes disclosure is appropriate in connection with efforts to investigate, prevent, or take other action regarding illegal activity, suspected fraud or other wrongdoing; or to enforce the Site's terms and conditions or other agreements or policies;
- If Foundation sells or assigns a loan, line of credit or other credit product, or any part thereof, to a third party, a Foundation affiliate or business partner or if Foundation is otherwise contractually required to share such information with business partners;
- In connection with a substantial corporate transaction, such as the sale of the business, a divestiture, merger, consolidation, asset sale or in the unlikely event of a bankruptcy;
- For marketing purposes or joint marketing with other companies to offer products and services to Users; and
- In connection with state and/or federal licensing requirements.

#### **4. Log Data**

Like many website operators, Fundation makes use of standard internet technologies to collect information that a browser sends whenever a User visits the Site or performs any activity on the Site ("Log Data"). This Log Data may include information such as a User's computer Internet Protocol ("IP") address, browser type, browser version, pages of the Site that a User visits, the time and date of a visit, the time spent on those pages and other statistics.

#### **5. Cookies**

Fundation uses "cookies" on this Site. A cookie is a small text file that is stored on a site visitor's hard drive to help Fundation improve access to the Site and identify repeat visitors. When a User visits the Site, Fundation may assign a User's computer one or more cookies to facilitate access to the Site and record information about a User's visit. Cookies can also enable Fundation to track and target the interests of Users to enhance the experience on the Site. Usage of a cookie is in no way linked to any personally identifiable information on the Site and cookies do not store any Personal Information. A User can instruct a web browser to refuse all cookies or to indicate when a cookie is being sent. However, if a User chooses to decline cookies some of the features and services of the Site may not function properly and the User may not be able to use some portions of the Site.

Some of the cookies in use on the Site are for Google Analytics. Google Analytics is a web analytics tool that helps Fundation understand how visitors engage with the Site so that it can be improved. Google Analytics collects information anonymously. It reports website trends without identifying individual visitors. Users can opt out of Google Analytics without affecting how Users visit the Site. For more information on opting out, visit <https://tools.google.com/dlpage/gaoptout>.

#### **6. Security**

The security of Personal Information is important to Fundation and Fundation takes reasonable measures to help safeguard it. To protect Personal Information from unauthorized access and use, Fundation uses appropriate physical and technical security measures that comply with federal law. Personal Information is protected by Secure Sockets Layer (SSL) software, which encrypts Personal Information so that it cannot be read over the Internet.

Though Fundation is dedicated to the security of Personal Information, no method of transmission over the Internet, or method of electronic storage, is 100% secure. While Fundation strives to use commercially acceptable means to protect Personal Information, all Users acknowledge that Fundation cannot guarantee its absolute security.

#### **7. Changes to This Privacy Policy**

Fundation may update or modify this Privacy Policy from time to time to reflect changes in the collection, use and/or sharing of information. This Privacy Policy will reflect the date it was last updated. If any material change is made to this Privacy Policy, Fundation will notify Users of any changes by posting the new Privacy Policy on the Site. All Users are advised to review this Privacy



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Policy periodically for any changes. A User's continued use of the Site will signify acceptance of the changes to the Privacy Policy.

#### **8. Visiting the Site From Outside the United States**

This Privacy Policy is intended to cover collection of information on the Site from Users located within the United States. If a User is visiting the Site from outside the United States, please be aware that information may be transferred, stored and processed in the United States.

#### **9. Contact Fundation**

If there are any questions about this Privacy Policy, please contact Fundation at:

Fundation Group LLC  
Attn: Legal Department  
11501 Sunset Hills Road, Suite 100  
Reston, VA 20190  
[legal@fundation.com](mailto:legal@fundation.com)