

U.S.-SWITZERLAND SAFE HARBOR PRIVACY POLICY

Employment Screening Resources (“ESR”) respects the privacy of its visitors and clients. It is ESR policy to maintain the confidentiality and privacy of any personal data voluntarily submitted to ESR in writing, submitted electronically via ESR Website, or submitted to ESR by its clients in connection with employment background screening, credential verification, investigations, residential screening and other services.

Scope

This Safe Harbor Privacy Policy (“Policy”) applies to personal information pertaining to an identified or identifiable individual that is received by ESR from the Switzerland or other personal information that ESR acquires pursuant to its performance of services for its clients or other third parties to which ESR has contractually agreed to apply this privacy policy (“Switzerland Personal Data”). This Policy does not apply to: (a) data collected and used by ESR which is not Switzerland Personal Data; (b) ESR’s affiliated entities that do not receive or process Switzerland Personal Data or; (c) data collected on any other ESR’s affiliated entities not reasonably calculated to capture Switzerland Personal Data. Those entities websites reasonably calculated to capture Switzerland Personal Data contain a link to this Safe Harbor Privacy Policy.

In the event of a conflict between this Policy and ESR’s obligations under the Fair Credit Reporting Act, 15 U.S.C. Sec. 1681 et. seq., other statutes, regulations, or case law, or to the extent necessary to meet national security, public interest or law enforcement requirements, adherence to this Policy may be limited.

Provisions of ESR Safe Harbor Privacy Policy

ESR receives certain Switzerland Personal Data at the request of clients and other third parties for investigative, credential verification, employment and residential related purposes. ESR has joined the U.S. Department of Commerce’s “Safe Harbor” program with respect to Switzerland Personal Data and utilizes such information in accordance with the Safe Harbor principles. The Safe Harbor principles and ESR Safe Harbor certification can be found at www.export.gov/safeharbor. ESR Policy addresses each of the Safe Harbor Privacy Principles, as described below.

1. Notice

Where ESR collects Switzerland Personal Data from individuals, individuals are informed about the purposes for which it collects and uses Switzerland Personal Data about them, how to contact ESR with any inquiries or complaints, the types of third parties to which it discloses the information and the choices and means ESR offers individuals for limiting its use and disclosure. Notice is provided in clear and conspicuous language either when individuals are first asked to provide Switzerland Personal Data or as soon thereafter as is practicable, but in any event before ESR uses such information for a purpose other than that for which it was originally collected or processed by the transferring organization or discloses it for the first time to a third party (other than agents acting under our instructions). Information about how ESR collects and uses Switzerland Personal Data also follows below.

ESR gathers consumer and other data which it provides to employers or their agents (such as recruiters or staffing firms) for use in making employment-related decisions, such as who to hire, retain, promote, or re-assign. ESR also gathers consumer and other data which it provides to entities including landlords. Below is an illustrative list of common ways in which employers use the data provided by this service:

- Performance of applicant and employee background checks,
- Verification of the credentials of job applicants and current employees,
- Investigation into a suspicion of work-related misconduct or wrongdoing,
- Investigation into matters of employee compliance with employer policies, or
- Investigation into matters of employee compliance with Federal, State, or local laws and regulations.

The scope of this notice covers consumer report data that ESR has obtained on behalf of employers and other businesses by manually or electronically contacting the appropriate sources of the data (court records, references, licensing bureaus, etc.). ESR also performs services related to corporate litigation and investigative services as requested by ESR clients.

More information regarding the nature and scope of consumer data inquiries is available by contacting ESR in writing or by e-mail at the addresses listed on the Contact Us page or by writing to the contacts listed below.

2. Choice

ESR offers individuals the opportunity to choose (opt-out) whether their Switzerland Personal Data will be disclosed to a third party (not including ESR agents) or be used for a purpose incompatible with the purpose for which it was originally collected or subsequently authorized by the individual. With respect to sensitive information, however, an individual must “opt-in” to the disclosure of the information to a non-agent third party or to the use of this information for a purpose other than its original purpose or that purpose authorized subsequently by the individual. ESR will provide individuals with reasonable mechanisms to exercise their choices should requisite circumstances arise.

3. Onward Transfer (Transfers to Third Parties)

With respect to the transfer of Switzerland Personal Data to third parties (other than ESR agents), the principles of “Notice” and “Choice” apply. Accordingly, Switzerland Personal Data is only provided to third parties for purposes described in the “Notice” section or otherwise disclosed to consumers, and will not be disseminated to a third party where a consumer has “opted-out” or, in the case of sensitive information, failed to “opt-in.”

ESR may disclose Switzerland Personal Data clients and third parties, which may include employers or their agents, landlords or their agents, who certify that they subscribe to the Safe Harbor Principles or the Switzerland Data Protection Directive or a law subject to an adequacy finding by the Switzerland. ESR also may disclose Switzerland Personal Data to employer clients, other types of clients or their agents who enter into a written agreement with ESR, in which the third party agrees to comply with the FCRA, if applicable, and to provide at least the same level of privacy protection as is required by the seven Safe Harbor Principles (in the instance where Switzerland Personal Data is requested).

4. Access

A consumer may request, in writing, access to all Switzerland Personal Data collected and maintained about him or her. ESR affords the consumer a reasonable opportunity to correct, amend, or delete information that is inaccurate or incomplete, except where the burden or expense of providing access would be disproportionate to the risks to the individual's privacy, or where the rights of persons other than the individual would be violated. In cases where the information is subject to the FCRA, ESR complies with the FCRA's requirements regarding access and correction rights of consumers.

ESR reserves the right to engage in reasonable efforts to confirm the identity of the individual requesting Switzerland Personal Data to ensure the information is provided only to the subject of the data.

To request information relating to his or her Switzerland Personal Data, a consumer may contact ESR by e-mail at privacy@esrcheck.com or by fax at +1-678-623-3274. In addition, the consumer will be asked to provide sufficient evidence of his or her identity so we may ensure that information is being released to the correct individual. If we are unable to provide the consumer with access to his or her Switzerland Personal Data or to correct the data, we will notify the consumer.

5. Security

ESR takes reasonable procedures to protect Switzerland Personal Data from loss, misuse and unauthorized access, disclosure, alteration and destruction.

6. Data Integrity

ESR collects Switzerland Personal Data that is relevant for the purposes for which it is to be used, consistent with the Safe Harbor Principles. ESR processes Switzerland Personal Data in ways that are compatible with the purposes for which it has been collected (as identified in the Notice section above) or subsequently authorized by the individual. To the extent necessary for those purposes, ESR takes reasonable steps to ensure that Switzerland Personal Data collected is accurate, complete, current, and reliable for its intended use.

7. Enforcement

ESR will verify adherence to the Switzerland Safe Harbor Policy via in-house verification and internal policies and procedures implemented by the management of our company.

In compliance with the US-EU and US-Swiss Safe Harbor Principles, ESR commits to resolve complaints about your privacy and our collection or use of your personal information. European Union or Swiss citizens with inquiries or complaints regarding this privacy policy should first contact ESR at:

Employment Screening Resources (ESR)

Brad Landin

President and Chief Compliance Officer

United States

Telephone: +1-415-761-9018

Email: privacy@esrcheck.com

ESR has further committed to refer unresolved privacy complaints under the US-EU and US-Swiss Safe Harbor Principles to an independent dispute resolution mechanism, the BBB EU SAFE HARBOR, operated by the Council of Better Business Bureaus. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed by ESR, please visit the BBB EU SAFE HARBOR web site at www.bbb.org/us/safe-harbor-complaints for more information and to file a complaint.

8. Amendments

From time to time, this Privacy Policy may be amended to reflect new products and services, or as necessary to reflect a new business practice. Consistent with the Safe Harbor requirements, ESR will post any revised policy on this Website.

Contact Information

To request information relating to your Switzerland Personal Data, please contact:
privacy@esrcheck.com.

If you have questions regarding our Safe Harbor Privacy Policy contact:

Employment Screening Resources (ESR)

Brad Landin

President and Chief Compliance Officer

United States

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