



# PRIVACY POLICY

UDC, LLC

## [Abstract](#)

Privacy Policy Provisions at  
UDC, LLC

Version 2.1

Effective October 12, 2023

# Privacy Policy

## OVERVIEW

UDC, LLC (“UDC”) respects the privacy of the confidential data it receives. UDC follows the provisions of, and UDC has certified, that it abides by the EU-U.S. Data Privacy Framework (EU-U.S. DPF), the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. Data Privacy Framework (Swiss-U.S. DPF) principles as agreed between the U.S. Department of Commerce, the European Commission, the UK Information Commissioner’s Office, and the Swiss Administration regarding the processing of Personal Data transferred from the European Economic Area (“EEA”), the United Kingdom (“UK”), and/or Switzerland to the United States (“DPF Principles”). This Data Privacy Framework Policy (“Privacy Policy”) outlines our general policy and practices for implementing and complying with the Data Privacy Framework Principles for Personal Data, including both human resources (HR) and non-HR data, and the ways in which we collect, use, disclose and protect Personal Data and the choices you have associated with that data.

## DEFINITIONS

For purposes of this Policy:

“Personal Data” means any information that (i) is transferred to UDC in the U.S. from the EEA, the UK, and/or Switzerland, (ii) is recorded in any form, (iii) relates to an identified or identifiable living individual (including Personnel), and (iv) can be linked to that individual.

“Usage Data” means information collected automatically either generated by the use of the applications and services provided by UDC or from infrastructure itself (for example, the duration of a page visit).

“Cookies” mean small files stored on a device (i.e., a computer or mobile device) that are either persistent in nature, or temporary for the duration of the session.

“Data Controller” means the natural or legal person who (either alone or jointly or in

common with other persons) determines the purposes for which and the manner in which any personal information are, or are to be, processed.

“Data Processor” (or Service Provider)” means any natural or legal person who processes the data on behalf of the Data Controller. We may use the services of various Service Providers to process data more effectively.

“Data Subject” (or User) means any living individual who is using our Service and is the subject of Personal Data.

## **NOTICE**

In connection with processing of Personal Data, UDC adheres to the Data Privacy Framework Principles (the “Principles”). If there is any conflict between the terms in this Privacy Policy and the EU-U.S. DPF Principles and/or the Swiss-U.S. DPF Principles, the Principles shall govern. For more information about the Principles and to view our certification, please visit the Department of Commerce’s Data Privacy website at <https://www.dataprivacyframework.gov>. UDC commits to be subject to the Principles for all Personal Data in reliance on the Data Privacy Framework.

UDC receives Personal Data in connection with services that it provides for its clients regarding employee compensation and benefits. UDC obtains and processes Personal Data in delivering human resources and technology services for its clients.

In the normal course of delivering services, clients will provide Personal Data about employees such as name, pay, benefits, birth dates, employment dates, and contact information. Any Personal Data collected by UDC will be considered as if collected by our clients and provided to us as a third-party processor or sub-processor. UDC processes Personal Data under the direction of its clients pursuant to a written agreement and has no direct control or ownership of the Personal Data it processes. UDC may collect, use, access or share Personal Data for the purposes of providing the services, preventing, or addressing service or technical problems, responding to support issues, responding to a client’s or customer’s instructions, or as may be required by law; all in accordance with the agreement between the client and UDC. Clients are responsible to maintain their own privacy policy and for complying with any regulations or laws that require providing notice, disclosure and/or obtaining consent prior to providing any data to or allowing the collection or use of such data by UDC for processing purposes.

We may also collect information on how the Service is accessed and used (“Usage Data”). This Usage Data may include information such as your computer's Internet Protocol address

(e.g., IP address), browser type, browser version, the pages of our applications that you visit, the time and date of your visit, the time spent on those pages, unique device identifiers and other diagnostic data.

We use cookies and similar tracking technologies (“Tracking Data”) to track the activity on our Service and we hold certain information. Cookies are files with a small amount of data which may include an anonymous unique identifier. Cookies are sent to your browser from a website and stored on your device. Other tracking technologies are also used such as beacons, tags, and scripts to collect and track information and to improve and analyze our Service. You can instruct your browser to refuse all cookies or to indicate when a cookie is being sent. However, if you do not accept cookies, you may not be able to use some portions of our Service. Examples of cookies we may use include Session Cookies to operate our applications, Preference Cookies to remember your preferences and various settings, and Security Cookies for information security purposes. Regarding “Do Not Track” (“DNT”) Signals under the California Online Protection Act (CalOPPA), the policy of UDC does not support DNT signals. DNT signals are a preference set in a web browser to inform websites of a preference not to be tracked.

Please direct any inquiries or complaints regarding our compliance with the Principles to the point of contact listed in the “How to Contact UDC” section below. If UDC is unable to resolve your concern, UDC commits to cooperate with the panel established by the EU data protection authorities (DPAs), the UK Information Commissioner’s Office (ICO), and/or the Swiss Federal Data Protection and Information Commissioner (FDPIC), as applicable. In addition, UDC commits to comply with the advice given by the panel and/or Commissioner regarding human resources data transferred from the EU, the UK, and/or Switzerland in the context of the employment relationship, as applicable.

UDC may disclose Personal Data to comply with or respond to lawful requests made by public authorities, including: to meet national security or law enforcement requirements; to comply with governmental, professional, and legal obligations or inquiries; carry out investigations and perform internal administrative activities.

UDC is subject to the investigatory and enforcement powers of the Federal Trade Commission. If UDC shares Personal Data with a third-party service provider that processes the data solely on behalf of UDC, then UDC will be liable for that third party’s processing of

Personal Data in violation of the Principles, unless UDC can prove that it is not responsible for the event giving rise to the damage.

## **CHOICE**

Individuals who are served in a direct relationship with UDC can make choices regarding certain UDC Personal Data practices as provided in UDC Privacy Policy and in notices and other materials UDC may provide in connection with the services provided by UDC.

Individuals may contact UDC as indicated in the “How to Contact UDC” section below regarding the firm’s use or disclosure of their Personal Data. UDC will provide individuals with reasonable methods to exercise their choices.

In most circumstances, UDC maintains Personal Data about individuals with whom UDC does not have a direct relationship because UDC obtained the Personal Data as a data processor for its clients or third parties using its services, those clients and third parties are responsible for providing the relevant individuals with certain choices with respect to the clients’ or third parties’ use or disclosure of the individual’s Personal Data.

UDC uses the collected data for various purposes, including to provide and maintain our applications and services, to allow users to participate in interactive features of our applications services, to monitor the usage of our services, to detect, prevent and address technical issues, to provide customer support, to provide notification of changes, to gather analysis or valuable information so that we can improve our services, and to provide notifications and general information about other related services which we offer.

UDC may disclose Personal Data without offering an opportunity to opt out (i) to service providers the firm has retained to perform services on its behalf, (ii) if it is required to do so by law or legal process, (iii) to law enforcement or other government authorities, (iv) when UDC believes disclosure is necessary to prevent physical harm or financial loss, or (v) in connection with an investigation of suspected or actual illegal activity. UDC also reserves the right to transfer Personal Data in the event it sells or transfers all or a portion of its business or assets (including in the event of a reorganization, dissolution, or liquidation). Should such a sale or transfer occur, UDC will use reasonable efforts to direct the transferee to use the Personal Data in a manner that is consistent with the Privacy Policies of UDC.

UDC uses Personal Data only for the purposes indicated in this Policy unless it has a legal basis, such as consent, to use it for other purposes. Regarding the European Economic Area (EEA), UDC has a legal basis under the General Data Protection Regulation (GDPR) for collecting, processing, using, and disclosing Personal Data as described in this Privacy Policy and the specific context in which we collect it. UDC may process Personal Data to fulfill a

contract, to act in accord with permission to do so, to act in accord with our legitimate interests which are not overridden by the rights of others, or to comply with the law.

### **ACCOUNTABILITY FOR ONWARD TRANSFER OF PERSONAL DATA**

UDC may share Personal Data with non-affiliated parties as indicated in the “Choice” section above. UDC also may share Personal Data as specified in notices and other materials in connection with services delivered by UDC.

Except as permitted or required by applicable law, UDC requires non-affiliated parties to whom it discloses Personal Data and who are not subject to the General Data Protection Regulation (GDPR) of the European Union, applicable UK directives and regulations, and applicable Swiss directives and regulations, or an adequacy finding to either (i) subscribe to the relevant Principles or (ii) contractually agree to provide at least the same level of protection for Personal Data as is required by the relevant Principles.

Personal Data and other information may be transferred to and maintained on computers located outside of its original state, province, country, or other governmental jurisdiction, such as the United States, where the data protection laws may differ from those of original jurisdiction. UDC will take all the steps reasonably necessary to ensure that Personal Data is treated securely and in accordance with this Privacy Policy and no transfer of Personal Data will take place to an organization or a country unless there are adequate controls in place including the security of Personal Data.

Under certain circumstances, UDC may be required to disclose Personal Data if required to do so by law or in response to valid requests by public authorities (e.g., a court or a government agency). Further, UDC may disclose Personal Data in the good faith belief that such action is necessary to comply with a legal obligation, to protect and defend the rights or property of UDC, to prevent or investigate possible wrongdoing in connection with the services, to protect the personal safety of users of the services, or the public, or to protect against legal liability.

### **SECURITY AND RETENTION**

UDC takes reasonable and appropriate measures to protect Personal Data from loss, misuse and unauthorized access, disclosure, alteration, and destruction, taking into due account the risks involved in the processing and the nature of personal data.

UDC will retain Personal Data only for as long as is necessary for the purposes set out in this Privacy Policy. We will retain and use Personal Data to the extent necessary to comply with

our legal obligations (for example, if we are required to retain data to comply with applicable laws), resolve disputes and enforce our legal agreements and policies. UDC will also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorter period except when this data is used to strengthen the security or to improve the functionality of our services, or we are legally obligated to retain this data for longer periods.

Although we make good faith efforts to store the information collected by UDC in a secure operating environment that is not available to the public, UDC cannot guarantee complete security, or the security of any information transmitted via the Internet or telecommunications networks.

### **DATA INTEGRITY AND PURPOSE LIMITATION**

UDC takes reasonable steps to ensure that the Personal Data the firm processes are (i) relevant for the purposes for which they are to be used, (ii) reliable for their intended use, and (iii) accurate, complete, and current.

In this regard, UDC may rely on its clients and third parties using the services (with respect to Personal Data of individuals with whom UDC does not have a direct relationship) to review, update, and correct Personal Data to the extent necessary for the purposes for which the information was collected or subsequently authorized by the other individuals. Clients or third parties, as appropriate, may contact UDC as indicated in the “How to Contact UDC” section below to request that UDC update or correct relevant Personal Data.

UDC may provide applications or services which contain links to other sites that are not operated by UDC or its affiliates. UDC does not control or assume responsibility for the content, privacy policies or practices of any third-party sites or services.

### **ACCESS, RESTRICTION AND MODIFICATION**

Where appropriate, UDC provides individuals who have a direct relationship with UDC with reasonable access to the Personal Data UDC maintains about them. UDC also provides a reasonable opportunity for those individuals to opt out or correct, amend or delete that information where it is inaccurate, as appropriate. UDC may limit or deny access to Personal Data where providing such access is unreasonably burdensome or expensive under the circumstances, or as otherwise permitted by the Principles. The right to access Personal Data also may be limited in some circumstances by local law requirements. Individuals may

opt out or request access, correction, restriction, or deletion of their Personal Data by contacting UDC as indicated in the “How to Contact UDC” section below.

In most circumstances, UDC maintains Personal Data about individuals with whom UDC does not have a direct relationship because UDC obtained the data as a data processor, those clients and third parties are responsible for providing the relevant individuals with access to their Personal Data and the right to opt out or correct, amend or delete the information where it is inaccurate. In these circumstances, the relevant individuals should direct their questions to the appropriate party from which UDC obtained the Personal Data. When an individual is unable to contact the appropriate party, or does not obtain a response, UDC will provide reasonable assistance in forwarding the individual’s request to the appropriate party.

## **RECOURSE, ENFORCEMENT AND LIABILITY**

UDC has established procedures for periodically verifying implementation of and compliance with the Principles. UDC conducts an annual self-assessment of its Personal Data practices to verify that the attestations and assertions the firm makes about its privacy practices are true and that the firm’s privacy practices have been implemented as represented.

Individuals who have a direct relationship with UDC may file a complaint concerning processing of their Personal Data with UDC, whose contact information is below. If UDC is unable to resolve the concern, UDC commits to cooperate with the panel established by the EU data protection authorities (DPAs), the UK Information Commissioner’s Office (ICO), and/or the Swiss Federal Data Protection and Information Commissioner (FDPIC), as applicable. In addition, UDC commits to comply with the advice given by the panel regarding human resources data transferred from the EU, the UK, and/or Switzerland, as applicable, in the context of the employment relationship.

Under certain conditions specified by the Principles, you may also be able to invoke binding arbitration to resolve your complaint. In compliance with the EU-U.S. DPF and the UK Extension to the EU-U.S. DPF and the Swiss-U.S. DPF, UDC commits to refer unresolved complaints concerning our handling of personal data received in reliance on the EU-U.S. DPF and the UK Extension to the EU-U.S. DPF and the Swiss-U.S. DPF to JAMS, an alternative dispute resolution provider based in the United States. If you do not receive timely acknowledgment of your DPF Principles-related complaint from us, or if we have not addressed your DPF Principles-related complaint to your satisfaction, please visit <https://www.jamsadr.com> for more information or to file a complaint. The services of



JAMS are provided at no cost to you. UDC is subject to the investigatory and enforcement powers of the Federal Trade Commission.

In circumstances in which UDC maintains Personal Data about individuals with whom UDC does not have a direct relationship because UDC obtained the data as a data processor for its clients or third parties using the claims management services, individuals may submit complaints concerning the processing of their Personal Data to the relevant client or third party, in accordance with the client's or third party's dispute resolution process. UDC will participate in this process at the request of the client, third party or individual.

### **HOW TO CONTACT UDC, LLC**

To contact UDC with questions or concerns about this Policy or practices concerning Personal Data:

Write to:

UDC, LLC  
Attention: Notifications  
601 Carlson Parkway Ste 1050  
Minnetonka, MN 55305  
USA

Email: [privacy@definedbenefitservices.com](mailto:privacy@definedbenefitservices.com)

### **CHANGES TO THIS PRIVACY POLICY**

We reserve the right to modify this Privacy Policy. If we do change our privacy practices, we will update this policy. If we make any material changes to this Privacy Policy, we provide notice on our website designating when the changes are effective.

Effective Date: October 12, 2023