

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
PGX HOLDINGS, INC., <i>et al.</i> , ¹)	Case No. 23-10718 (CTG)
Debtors.)	(Jointly Administered)

**DECLARATION OF ELISE S. FREJKA, CIPP/US, IN SUPPORT OF
MOTION OF THE DEBTORS FOR ENTRY OF ORDERS (I)(A) APPROVING
BIDDING PROCEDURES FOR SUBSTANTIALLY ALL OF THE DEBTORS’
ASSETS, (B) AUTHORIZING THE DEBTORS TO ENTER INTO ONE OR
MORE STALKING HORSE AGREEMENTS AND TO PROVIDE BIDDING
PROTECTIONS THEREUNDER, (C) SCHEDULING AN AUCTION AND
APPROVING THE FORM AND MANNER OF NOTICE THEREOF, (D) APPROVING
ASSUMPTION AND ASSIGNMENT PROCEDURES, AND (E) SCHEDULING
A SALE HEARING AND APPROVING THE FORM AND MANNER OF
NOTICE THEREOF; (II)(A) APPROVING THE SALE OF THE DEBTORS’ ASSETS
FREE AND CLEAR OF LIENS, CLAIMS, INTERESTS AND ENCUMBRANCES
AND (B) APPROVING THE ASSUMPTION AND ASSIGNMENT OF EXECUTORY
CONTRACTS AND UNEXPIRED LEASES; AND (III) GRANTING RELATED RELIEF**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Pursuant to 28 U.S.C. § 1746, I, Elise S. Frejka, CIPP/US, hereby declare as follows under penalty of perjury:

1. I am a licensed attorney, member at the law firm Frejka PLLC, and special counsel to the above-captioned debtors and debtors in possession (collectively, the “Debtors” or the “Company”). I have been practicing law since 1990, after graduating, *cum laude*, from New York Law School where I was awarded the James P. Kibbey Award for Excellence in

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: PGX Holdings, Inc. (2510); Credit Repair UK, Inc. (4798); Credit.com, Inc. (1580); Creditrepair.com Holdings, Inc. (7536); Creditrepair.com, Inc. (7680); eFolks Holdings, Inc. (5213); eFolks, LLC (5256); John C. Heath, Attorney At Law PC (8362); Progrexion ASG, Inc. (5153); Progrexion Holdings, Inc. (7123); Progrexion IP, Inc. (5179); Progrexion Marketing, Inc. (5073); and Progrexion Teleservices, Inc. (5110). The location of the Debtors’ service address for purposes of these chapter 11 cases is: 257 East 200 South, Suite 1200, Salt Lake City, Utah 84111.



Commercial Law. My practice is almost exclusively in the area of bankruptcy and bankruptcy litigation. I am admitted to practice before the courts of the State of New York, the Supreme Court of the United States, the Second and Federal Circuit Courts of Appeal, and the Southern, Eastern, and Northern Districts of New York.

2. Following my judicial clerkship for the Honorable Prudence Carter Beatty, United States Bankruptcy Judge, Southern District of New York (Retired), I spent the next two decades working in the bankruptcy and restructuring departments of major law firms including Kramer Levin Naftalis & Frankel LLP (Special Counsel, 2009–2015), Dechert LLP, as successor to Swidler Berlin Shereff Friedman LLP (Associate, 1999–2009), Togut Segal & Segal LLP (Associate, 1998 – 1999), and Curtis Mallet-Prevost, Colt & Mosle LLP (Associate, 1994–1998). In March 2015, I left big law and founded Frejka PLLC.

3. I am a Certified Information Privacy Professional (CIPP/US) credentialed by the International Association of Privacy Professionals and have been appointed the consumer privacy ombudsman by the United States Trustee Program in *In re Endo International plc*, No. 22-22549 (JLG) (Bankr. S.D.N.Y. Aug. 16, 2022); *In re Fred's Inc.*, No. 19-11984 (CSS) (Bankr. D. Del. Sept. 9, 2019); *In re uBiome, Inc.*, No. 19-11938 (LSS) (Bankr. D. Del. Sept 4, 2019); *In re Insys Therapeutics, Inc.*, No. 19-11292 (JTD) (Bankr. D. Del. June 10, 2019); *In re Ditech Holding Corporation*, No. 19-10412 (JLG) (Bankr. S.D.N.Y. Feb. 11, 2019); *In re Sears Holdings Corporation*, No. 18-23538 (RDD) (Bankr. S.D.N.Y. Oct. 15, 2018); *In re Hooper Holmes, Inc.*, No. 18-23302 (RDD) (Bankr. S.D.N.Y. Aug. 27, 2018); *In re Wall Street Languages Ltd.*, No. 18-11581 (SHL) (Bankr. S.D.N.Y. May 24, 2018); *In re Avaago, Inc.*, No. 17-12926 (MKV) (Bankr. S.D.N.Y. Oct. 19, 2017); *In re Toys "R" Us, Inc.*, No. 17-34665 (KLP) (Bankr. E.D. Va. Sept. 18, 2017); *In re Bristlecone, Inc.*, No. 17-50472 (BTB)

(Bankr. D. Nev. Apr. 18, 2017); *In re Marbles Holdings LLC*, No. 17-03309 (TAB) (Bankr. N.D. Ill. Feb. 3, 2017); *In re The Wet Seal, LLC*, No. 17-10229 (CSS) (Bankr. D. Del. Feb. 2, 2017); *In re VoicePulse, Inc.*, No. 16-25075 (MBK) (Bankr. D.N.J. Aug. 5, 2016); *In re SFX Entm't, Inc.*, No. 16-10238 (MFW) (Bankr. D. Del. Feb. 1, 2016); *In re The Great Atlantic & Pacific Tea Co., Inc.*, No. 15-23007 (RDD) (Bankr. S.D.N.Y. July 19, 2015); and *In re RadioShack Corp.*, No. 15-10197 (BLS) (Bankr. D. Del. Feb. 5, 2015). I was special counsel to the debtors and filed a declaration in support of the sale process in *In re Bed Bath & Beyond Inc.*, No. 23-13359 (VFP) (Bankr. D.N.J. Apr. 23, 2023) [Docket No. 29], *In re Le Tote, Inc.*, No. 20-33332 (KLP) (Bankr. E.D. Va. Feb. 17, 2020) [Docket No. 27], *In re Destination Maternity Corp.*, No. 19-12256 (BLS) (Bankr. D. Del. Oct. 25, 2019) [Docket No. 107], and *In re Pier 1 Imports, Inc.*, No. 20-30805 (KRH) (Bankr. E.D. Va. Feb. 17, 2020) [Docket No. 36]. In addition, while at Kramer Levin Naftalis & Frankel LLP, I represented the purchaser of the ecommerce business and customer data in *In re Circuit City Stores, Inc.*, No. 08-35653 (KRH) (Bankr. E.D. Va. Nov. 11, 2008) and actively participated in the consumer privacy ombudsman process.

4. I am a member of numerous professional associations, including the International Association of Privacy Professionals, American Bankruptcy Institute, International Women's Insolvency & Restructuring Confederation, Turnaround Management Association, and the National Association of Legal Fee Analysis. I have served as a presenter or panelist on consumer privacy issues at numerous conferences and seminars. Finally, for the past eight years I have been a guest lecturer at New York University School of Continuing and Professional Studies for the Bankruptcy, Workout and Reorganizations class where I lecture on the intersection of privacy and bankruptcy.

5. I submit this declaration in support of the *Motion of the Debtors for Entry of Orders (I)(A) Approving Bidding Procedures for Substantially All of the Debtors' Assets, (B) Authorizing the Debtors to Enter into One or More Stalking Horse Agreements and to Provide Bidding Protections Thereunder, (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof, (D) Approving Assumption and Assignment Procedures, and (E) Scheduling A Sale Hearing and Approving the Form and Manner of Notice Thereof; (II)(A) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests and Encumbrances and (B) Approving the Assumption and Assignment of Executory Contracts and Unexpired Leases; and (III) Granting Related Relief* (the "Motion").² Except as otherwise noted herein, the facts set forth in this Declaration are based upon my personal knowledge and independent investigation, the review of relevant policies, website caches of the Debtors' consumer facing websites available on the "waybackmachine" at www.archive.org, other information prepared by me or collected for me by the Debtors' employees, and my conversations with the Debtors' counsel or other advisors.

6. If I were called to testify as a witness, I could and would competently testify to each of the facts set forth herein based upon my personal knowledge, review of documents, or opinion. I am authorized to submit this declaration on behalf of the Debtors.

The Debtors and the Debtors' Privacy Policies

7. As described in the Declaration of Chad Wallace, Chief Executive Office of PGX Holdings, Inc., in Support of Debtors' Chapter 11 Petitions and First Day Motions (the "First Day Declaration"), PGX is a technology and services company that specializes in credit report repair services and consumer credit education. PGX helps customers repair their credit and

² Capitalized terms used but not defined herein have the meanings given to such terms in the Motion, as applicable.

achieve their credit goals. PGX assists consumers with accessing and understanding the information contained in their credit reports, ensures the information contained in those reports is fair, accurate, and substantiated, educates consumers to make better financial decisions and build positive credit, and helps to address other factors that may negatively impact customers' credit scores.

8. The very nature of the Debtors' business requires that the Company collect personally identifiable information³ ("Personally Identifiable Information") from consumers – much of it of a highly sensitive and personal nature.⁴ But, the collection and use of Personally Identifiable Information and the potential sale of such information to an unaffiliated third party does not implicate the consumer privacy ombudsman process unless the privacy policy in effect on the petition date prohibits such transfer. See 11 U.S.C. § 363(b)(1)(A).

9. The Company adopted the now common practice of permitting the transfer of Personally Identifiable Information to an unaffiliated third-party as part of a larger business transaction in 2014 for Lexington Law Firm and the Company's CreditRepair.com brand and, in 2015 for the Company's Credit.com brand. This practice applies to any consumer client who voluntarily provided the Company with Personally Identifiable Information, which constituted affirmatively consenting, or opting-in,⁵ to the collection, use, and transfer of that Personally

³ Section 101(41A) of the Bankruptcy Code defines "personally identifiable information" as an individual's name, residence address, email address, telephone number, social security number, or credit card number, as well as an individual's birth date or other information that, if associated with the information described previously, would permit the identification or contacting of the individual. 11 U.S.C. § 101(41A).

⁴ The Debtors further break down Personally Identifiable Information into (i) personal information (for example, name, mailing address, email address) and (ii) sensitive personal information (social security number or taxpayer identification number). The Bankruptcy Code definition of Personally Identifiable Information captures all personal information that is provided by a consumer in connection with the debtor's provision of goods or services. 11 U.S.C. § 101(41A).

⁵ "Opt-in" consent requires affirmative steps by a consumer to allow the collection and/or use of Personally Identifiable Information; "Opt-out" consent requires affirmative steps to prevent the collection and/or use of Personally Identifiable Information.

Identifiable Information. Thus, if a consumer originally provided the Company with Personally Identifiable Information after 2014, for example, and continued to access the Company's websites and engage in transactions with the Company in 2023, that consumer is deemed to consent, subject to applicable state data protection laws and legal ethics rules, to the current privacy policy which permits the sale of Personally Identifiable Information as part of a business transaction.⁶ Similarly, from and after 2014, all changes to the privacy policies of Lexington Law Firm, CreditRepair.com, and Credit.com were communicated to consumers on the respective website, and I understand that the Company's respective terms of use have historically provided ongoing consent to such term when periodically updated by the Company.

Lexington Law Firm's Privacy Policy

10. Since May 2014, all consumers and clients of Lexington Law Firm have affirmatively consented to the transfer of Personally Identifiable Information to an unaffiliated third party as part of a business transaction. See LEXINGTON LAW FIRM, <https://web.archive.org/web/20140626094326/https://www.lexingtonlaw.com/info/privacy-policy.html?linkid=privacypolicyfooter> (last visited June 5, 2023) (“We do not share Personal Information with businesses or individuals outside of Lexington except . . . [i]n the event of a reorganization, merger, or sale we may transfer any and all personal information we collect to the relevant third-party.”). Prior to May 2014, Lexington Law Firm's privacy policy did not contain such a provision. See LEXINGTON LAW FIRM, <https://web.archive.org/web/20111201011529/http://www.lexingtonlaw.com/info/privacy-policy.html> (last visited June 5, 2023). The most recent privacy policy, effective as of December

⁶ This is an accurate interpretation of the privacy policy but may not be an accurate depiction of consumer interaction with the Company or the Debtors' business model as the services offered tend to be more limited in duration.

2022 and attached hereto as Exhibit A, continues to permit the sale and transfer of Personally Identifiable Information to unaffiliated third parties “[i]n the event of a reorganization, merger, or sale we may transfer any and all personal information we collect to the relevant third party. LEXINGTON LAW FIRM, <https://www.lexingtonlaw.com/info/privacy-policy> (last visited May 30, 2023). Changes to the privacy policy, as clearly stated in Section 11 therein, are posted on the LexingtonLaw.com website site and effective when posted. Id. (“Changes to this Privacy Policy will be posted on our website.”).

Credit.com’s Privacy Policy

11. The privacy policy for Credit.com has evolved over time. For the period ending May 30, 2013, Credit.com promised consumers that it “does not sell, rent or otherwise disclose your [Personally Identifiable Information] to third-parties except as explained in this privacy policy and as permitted by law.” CREDIT.COM, <https://web.archive.org/web/20140702062759/http://www.credit.com/privacy.jsp> (last visited June 5, 2023). Beginning on September 24, 2015, however, Credit.com modified its privacy policy and all iterations since have permitted the sale of Personally Identifiable Information to unaffiliated third parties. Specifically, the Credit.com privacy policy effective as of February 23, 2015 permits Credit.com to transfer Personally Identifiable Information “[i]f Credit.com is involved in a merger, acquisition, or sale of all or a portion of its assets, your [Personally Identifiable Information] or other information may be part of the transferred assets. CREDIT.COM, <https://web.archive.org/web/20150905122542/http://www.credit.com/privacy/> (last visited June 5, 2023). The most recent privacy policy, effective as of December 2022 and attached hereto as Exhibit B, permits the sale and transfer of Personally Identifiable Information to unaffiliated third parties “[i]n the event of a reorganization, merger, or sale we may transfer any and all

personal information we collect to the relevant third party. CREDIT.COM, <https://www.credit.com/privacy/>, (last visited May 31, 2023). Changes to the privacy policy, as clearly stated in Section 11, are posted on the Credit.com website site and effective when posted. Id. (“Changes to this Privacy Policy will be posted on our website.”).

CreditRepair’s Privacy Policy

12. CreditRepair.com has regularly modified and updated its privacy policy to account for changes in technology and state data protection laws. Prior to May 2014, CreditRepair.com’s privacy policy did not contain a provision permitting the sale or transfer of Personally Identifiable Information to unaffiliated third parties. See CREDITREPAIR.COM, <https://web.archive.org/web/20140209010651/https://www.creditrepair.com/privacy-policy> (last visited June 5, 2023). The May 2014 CreditRepair.com privacy policy, however, advised consumers that “[i]n the event of a reorganization, merger, or sale [CreditRepair.com] may transfer any and all personal information we collect to the relevant third party.” See CREDITREPAIR.COM, <https://web.archive.org/web/20140626091416/https://www.creditrepair.com/privacy-policy> (last visited June 5, 2023). The most recent CreditRepair.com privacy policy, effective as of December 2022 and attached hereto as Exhibit C, permits the sale and transfer of Personally Identifiable Information to unaffiliated third parties “[i]n the event of a reorganization, merger, or sale we may transfer any and all personal information we collect to the relevant third party. CREDITREPAIR.COM, <https://www.creditrepair.com/privacy-policy> (last visited May 30, 2023). Changes to the privacy policy, as clearly stated in Section 11 therein, are posted on the CreditRepair.com website site and effective when posted. Id. (“Changes to this Privacy Policy will be posted on our website.”).

Transfer of Personally Identifiable Information is Permissible

13. Section 332 of the Bankruptcy Code requires the appointment of a consumer privacy ombudsman (an “Ombudsman”) only when a debtor seeks to sell or transfer Personally Identifiable Information in contravention of the debtor’s privacy policy with respect to the transfer of such Personally Identifiable Information. *See* 11 U.S.C. § 363 (b)(1)(A).

14. Based upon my investigation of the facts and circumstances surrounding the Company’s collection and processing of Personally Identifiable Information, consumers have affirmatively consented to the transfer of their Personally Identifiable Information as part of a sale or business transaction when they retained Lexington Law Firm or engaged the services of CreditRepair.com or Credit.com. As such, I do not believe the appointment of a consumer privacy ombudsman is necessary or required to effectuate a transfer of the Company’s customer data to an unaffiliated third-party provided that the Company complies with state data protection law and legal ethics rules regarding any such transfer.⁷

* * * *

⁷ The Company will need to focus on any limitations imposed on the sale or transfer of Personally Identifiable Information by the California Consumer Privacy Act of 2018 (“CCPA”) (Cal. Civ. Code §§ 1798.100-1798.199), as undated, amended, and expanded by the California Privacy Rights Act (effective as of January 1, 2023), other state data protection laws, the Gramm-Leach-Bliley Act (15 U.S.C. § 6801 *et seq.*), and state ethical rules once a buyer is identified but this is not a basis to appoint a consumer privacy ombudsman when a privacy policy explicitly permits such sale. The Company will also be required to comply with litigation holds, data retention rules, and state law requirements regarding “do not call” and other opt-out limitations. However, there is no reason to believe that the Company cannot comply with its legal obligations independently under the ultimate supervision of the Court. In fact, I understand Lexington Law Firm plans to, within 7 days of the Petition Date, preemptively provide the required notices under the ABA Model Rules (and applicable state legal ethics rules) in anticipation of a transfer of client files. It is premature to define the scope of Personally Identifiable Information that can be transferred until a potential purchaser is identified and the nature of the Personally Identifiable Information maintained by the Debtors should not be determinative.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 6th day of June, 2023

/s/ Elise S. Frejka

Elise S. Frejka

Exhibit A

Privacy Policy
(Lexington Law Firm)

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Lexington Privacy Policy

Last Updated December 2022

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Your privacy is important to Lexington Law Firm. The terms "Lexington", "we", "our", and "us" throughout this document mean Lexington Law Firm. Please read our Privacy Policy carefully to understand how we collect, use, disclose, transfer, and store your information. By visiting our website or agreeing to content that includes a link to this document ("Online Ads"), you agree to the practices described in this Privacy Policy and our Terms of Use. (Specific state privacy protections are listed in Section 13 of this Privacy Policy).

1. Our Collection and Use of Personal Information

Personal Information includes information you provide us that can be used to uniquely identify or contact a single person, such as your name, address, email address, phone numbers and Social Security Number or Taxpayer Identification Number.

You may be asked to provide Personal Information when you interact with us, Online Ads, or one of our related companies, such as in connection with a completed or abandoned transaction or a request for information from us. Lexington and its related companies and service providers may share your Personal Information with each other and use it consistent with this Privacy Policy.

We may supplement the Personal Information you provide with Personal Information available from other sources, such as credit bureaus, public databases, data aggregators, and other commercially-available sources.

2. Examples of Personal Information and Sensitive Personal Information We Collect and How We Use It

You provide us a variety of Personal Information, including your name, mailing address, email address, phone number, and payment information. You provide us Sensitive Personal Information such as your Social Security Number or Taxpayer Identification Number. Throughout this document, Personal Information and Sensitive Personal Information will be referred to as Personal Information unless called out separately when required.

The Personal Information we collect allows us to verify your identity, deliver requested products and services, and provide you information and offers from Service Providers and Related Companies. These are financial and non-financial companies that assist us in providing services to Lexington Law Firm clients along with other third-party companies with whom Lexington has a contractual relationship to provide marketing offers to Lexington clients. It also allows us to stay in contact with you, and to manage Lexington's relationship with you. By providing us with Personal Information, you consent to our transfer and storage of that information.

Text or SMS Notices

If you replied, "AGREE" to receive text or SMS notifications, you consented to receive recurring text messages that contain updates to your account and credit from {CreditRepair.com}. Messages may be from an auto-dialing system. Message and data rates may apply. Text STOP to 45424 to cancel. Text HELP to 45424 for help or email support at {support email}. Participation is not required for the purchase of services. This program is supported by Alltel, AT&T, Boost, T-Mobile®, Verizon Wireless, VirginMobile, MetroPCS, and U.S. Cellular. Services are compatible with AT&T handsets. T-Mobile is not liable for delayed or undelivered messages.

Email

We also may use your Personal Information for research, development, and analysis, and for advertising, marketing, security, fraud prevention, and other business activities.

For example, we may use your email address to:

- Confirm your identity;
- Send you information on the status of your account or transaction;
- Contact you if we need your assistance to complete a transaction; and
- Send you newsletters, third party marketing offers from service providers and related companies, and customer-related material as permitted by law.

We have a zero tolerance policy for email abuse. If you receive unsolicited emails from us please report it to us. We are not responsible for communications you may receive from non-affiliated third parties.

We will never ask you to provide Personal Information in an email. DO NOT RESPOND to an email that appears to be from us requesting Personal information. Contact us immediately at 833-333-8277.

3. Our Collection and Use of Non-Personal Information

Non-Personal Information is information in a form that does not allow for direct association with a specific person. This information is compiled and analyzed on both a personal and an aggregated basis. We may collect, use, monitor, analyze, transfer, and disclose Non-Personal Information for any purpose.

4. Examples of Non-Personal Information We Collect and How We Use It

We may collect and aggregate information regarding user access, activity and behavior on our website, such as when you visit the website and what content is of interest or seems to be most useful to you. If we combine Non-Personal Information with Personal Information, the combined information is treated as Personal Information for purposes of this Privacy Policy.

Non-Personal Information includes:

Device Information - We may collect specific information for the device you use to access our website. For example, we may collect device model, IP address, MAC address, operating system version, application software, fonts, and other device information and identifiers.

Cookies and Other Technologies - We use a variety of technologies to collect and store information when you visit our website. This technology may involve sending web beacons and cookies or anonymous identifiers to your device. We use Cookies and Other Technologies to analyze your behavior when accessing our website and to deliver ads to you that we believe relate to your interests.

Log Information - When you visit our website, we collect certain information automatically and store it in log files. This information includes IP address, browser version, ISP data, referring and exit pages, operating system version, date/time stamps, cookie data, and clickstream data. We use Log Information to administer the website, analyze trends, maintain site security, learn about user behavior, and improve the overall quality and availability of the site.

Click-Through URLs - In some email messages, we use a Click-Through URL to link to content on our website. When you click one of these URLs, you pass through a separate web server before reaching our site. We use Click-Through URLs to help us determine interest in a particular topic and to measure the effectiveness of our email communications.

Anonymized Information - If we separate Non-Personal Information from Personal Information, the resulting Anonymized Information is treated as Non-Personal Information for purposes of this Privacy Policy.

5. Our Sharing of Information with Others

Personal Information

We do not share Personal Information with businesses or individuals outside of Lexington, except under the following circumstances:

Consent - We will share your Personal Information with others outside of Lexington when we have your consent to do so.

Service Providers - We provide Personal Information to related companies and other trusted businesses or persons who use, analyze, or process it on our behalf, based on our instructions

and in compliance with appropriate confidentiality and security measures. For example, we may use others to:

- deliver, evaluate the effectiveness of, and assist in improving our products and services;
- conduct consumer research and satisfaction surveys;
- assist us in analyzing and understanding consumers and how to reach them more effectively;
- assist us in fraud prevention, with our security measures, and to provide us technical support;
- provide client support;
- manage client data, and to ensure data integrity and accuracy;
- process financial transactions and perform accounting functions; and
- advertise, market, or make product or service offerings;

Legal Reasons - We will share Personal Information with others outside of Lexington if we have a good-faith belief that disclosure is necessary or appropriate to:

- comply with applicable law, regulation, legal process or enforceable governmental request;
- protect our operations or clients;
- detect, investigate, or address fraud, security, or technical problems; or
- investigate potential violations of and enforce applicable terms of service;

In the event of a reorganization, merger, or sale we may transfer any and all personal information we collect to the relevant third party.

Non-Personal Information

We may share Non-Personal Information publicly and with our strategic partners. For example, we may share Non-Personal Information to describe the size and success of our firm.

6. Transparency and Choice

We may use third-party display advertising companies, including Google, to serve Lexington ads on its behalf on sites across the Internet. Our display advertisers and we use cookies to inform, optimize, and serve ads based on your past visits to our website.

You may find additional information, opt-out of, or otherwise customize display advertising from Google or DoubleClick by visiting Google's **Ads Preference Manager**.

You may find additional information and opt-out of other participating third-party display advertising by visiting the **Network Advertising Initiative opt-out page**.

We may use third-party analytics companies, such as Google Analytics, Adobe, and Omniture to analyze and understand user behavior when visiting our website.

You may find additional information and opt-out of Google Analytics by visiting the **Google**

Analytics opt-out browser add-on.

You may find additional information and opt-out of Adobe Analytics by visiting the **Adobe opt-out page**.

You also may disable cookies within your browser. Please note, however, that certain features of the Lexington website will not function properly or be available once cookies are disabled.

7. Social Media Plug-ins

Plug-ins for social networks, such as Facebook, Twitter, LinkedIn, Yahoo, Windows and Google plus (among others), are integrated on Lexington's website.

By interacting with us through a social media plug-in, certain information will be transmitted to the related social network, and you permit us to have on-going access to information from your social network profile.

If you do not want the social network to collect information about you, or to share it with Lexington and other third parties, please review the privacy policy of the relevant social network and/or log out of the relevant social network before you visit our site.

8. Information Security and Retention

We takes precautions to safeguard your Personal Information from loss, theft, and misuse, as well as unauthorized access, disclosure, alteration, and destruction. These precautions include technical, physical, and administrative procedures.

Because email and instant messaging are not recognized as secure communications, we request that you not send private information to us by email or instant messaging services.

We regularly review our compliance with our Privacy Policy and enforce safeguards within the company.

We are committed to working with appropriate regulatory authorities to resolve any complaints regarding the transfer of Personal Information that we cannot resolve with you directly.

We use Secure Sockets Layer (SSL) encryption on all pages where Personal Information is collected. This protects the confidentiality of your Personal Information while it is transmitted over the Internet.

For your own protection, you should exercise care with the information you share over the Internet. You should always use a secure browser and exercise good judgment in using passwords, such as using a combination of upper and lower case letters, numbers, special characters, and you should avoid using the same or similar passwords across multiple sites. We recommend using a password between 12 and 16 characters long.

You may access your Personal Information by logging into your account. We make good-faith

efforts to give you ways to update or to delete your Personal Information quickly, unless we need to keep that information for a legitimate business or legal purpose. Some changes require personal contact with an assigned Lexington representative.

We retain Personal Information and Non-Personal Information for the time necessary and reasonable to fulfill the purposes outlined in the Privacy Policy, unless a longer retention period is required or permitted by law or ethical duties, including our duty to preserve case files for a reasonable time and relevant information necessary to preserve a legal claim or defense. Our data retention for such information is seven (7) years.

We may reject requests to change or delete information that are unreasonably repetitive, require disproportionate technical effort (for example, requiring the development of new systems or fundamental changes to existing systems), risk the privacy of others, or would be extremely impractical (such as information stored on backups).

We work to protect data from accidental or malicious destruction. Accordingly, we may not immediately delete or change residual copies and we may not delete or change information from our backup systems. Unless a disproportionate effort is required, we will provide information access and correction without charge.

9. Third Party Privacy Policies

This Privacy Policy only addresses the use and disclosure of information we collect from you. This policy does not apply to the practices of companies that we do not own or control or to people that we do not employ or manage. We do not control the privacy policies of third parties, and you are subject to the privacy policies of those third parties where applicable. We encourage you to ask questions before you disclose your personal information to others. For more information about each such third party, please refer to the third party's privacy policy.

If you provided your information on the website of an entity not related to Lexington, and that entity shared your information with us, the privacy policy of that website governs the non-related entity's use of your information, which may be different from this Policy.

10. Children

We do not knowingly collect Personal Information from children under 13. If we learn that we have collected the personal information of a child under 13, we will take steps to delete the Personal Information as soon as possible.

11. Privacy Policy Changes and Questions

We may update our Privacy Policy from time to time. Changes to this Privacy Policy will be posted on our website, with a corresponding revision date. Please check the website and Online Ads each time you use them for the most current information, and to ensure that you are aware of any updates.

12. Request for Information

If you have any questions or concerns about this Privacy Policy, please contact us:

info@lexington.com.

Should you no longer wish to receive our emails, you may click on the unsubscribe link located in the footer of each email received or at **email-preferences**.

13. State Privacy Protections

What personal information we collect	
Categories of personal information we have collected about consumers in the past 12 months.	<ul style="list-style-type: none"> • Personal identifiers • Credit report data • Audio and electronic information, including the use of online session replay technology
Categories of sensitive personal information we have collected about consumers in the past 12 months.	<ul style="list-style-type: none"> • Social Security Numbers • Taxpayer Identification Numbers
Categories of sources of the personal information we have collected.	We collect this information from you, credit bureaus, public databases, data aggregators, and other commercially available sources.
What we use it for	

Business purpose for collecting personal information and sensitive personal information.

We use personal identifiers to authenticate identity and obtain requested credit reports. We use credit report data to assist with identifying and challenging unfair, unsubstantiated, and inaccurate items. We use internet/network activity to inform, optimize, and serve ads based on past visits to our website. We use audio and electronic information to record verbal agreements and authorizations given over the phone or through our web pages. We collect and maintain personal information including credit report data to assist with credit repair and maintenance services.

We limit our use of sensitive personal information. We do not use or disclose sensitive personal information for purposes other than:

- To perform the services or provide the goods reasonably expected by you;
- To detect security incidents that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal information;
- To resist malicious, deceptive, fraudulent, or illegal actions directed at the business and to prosecute those responsible for those actions;
- To ensure the physical safety of natural persons;
- For short-term, transient use, including, but not limited to, non-personalized advertising shown as part of a consumer's current interaction with the business;
- To perform services on behalf of us, such as maintaining or servicing accounts, providing customer service, verifying your information, processing payments, and providing analytic services; and To verify or maintain the quality or safety of a service or device that is owned or controlled by us, and to improve, upgrade, or enhance that service or device.

How long we retain it**An estimate of how long we may or will maintain consumer's personal information.**

We may store your personal information in accordance with legal record retention requirements which may be up to seven years after your account (or case) is closed.

To whom do we sell it or share it**Categories of personal information, if any, that we have sold or shared to third parties in the preceding 12 months.**

We have not sold or shared personal information in the past 12 months. We do not sell or share any of your personal information to third parties without obtaining your specific consent.

Categories of third parties to whom the information was sold or shared.	None
Business purpose for selling or sharing personal information.	None
Actual knowledge of selling or sharing personal information of consumers under 16 years of age.	None
To whom we disclose it for business purposes	
Categories of personal information, if any, that we have disclosed for a business purpose to third parties in the preceding 12 months.	<ul style="list-style-type: none"> • Personal identifiers • Credit report data • Internet/Network activity • Audio and electronic information • Social Security and Taxpayer Identification Numbers
Categories of third parties to whom the information was disclosed.	<ul style="list-style-type: none"> • Credit bureaus • Creditors • Account servicing providers
Identification of the specific business purpose for disclosing personal information.	We will disclose your personal information with our service providers only when it is necessary to process your requests, maintain your case, or communicate with credit bureaus or your creditors on your behalf.
How we verify and authenticate you	
How we verify your request to know, delete, or correct personal information.	We will verify your identity and right to request the information by asking you for information we can match with our records such as your name, phone number, Social Security Number, and/or date of birth. We may also verify you using your system login or other reasonable authentication service such as knowledge based authentication.

You have the right to request the following up to two times in a 12-month period:

- The categories of personal information we have collected about you in the past 12 months;
- The categories of sources from which we collect personal information;
- The business purpose for collecting or selling personal information;

- The categories of third parties with whom we share personal information;
- The specific personal information we have collected about you in the past 12 months;
- The categories of personal information that we sold about you and the categories of third parties to whom the personal information was sold in the past 12 months, or verification that no personal information was sold;
- The categories of personal information we disclosed about you for a business purpose in the past 12 months, or verification that no personal information was disclosed.

In addition, you have the following rights:

1. You have the right to know the following:
 - a. The categories of personal information we have collected about you;
 - b. The categories of sources from which the personal information is collected;
 - c. The business or commercial purpose for collecting, selling, or sharing personal information;
 - d. The categories of third parties to whom we disclose personal information; and
 - e. The specific pieces of Personal Information we have collected about you.
2. You have the right to correction of inaccurate personal information
3. You have the right to request that personal information be deleted, subject to various exceptions including matters governed by the Gramm-Leach-Bliley Act (GLBA) or to comply with a legal obligation whether of general or specific applicability. However, if you exercise your right to have your personal information deleted, we will not be able to continue to provide service, as our services are dependent on that personal information;
4. You have the right to request that personal information not be sold to or shared with third parties, if applicable and the right to know the categories of persons to whom it was disclosed for a business purpose; and
5. You have the right not to be discriminated against in light of choosing to exercise any of these rights.

To exercise any of these rights, or for questions or concerns about our privacy policies or practices, contact us:

- by submitting the **Data Requests** form (for exercising data privacy rights only)
- by calling 800-461-4133

When you make any of the above data requests, we will provide the requested information within 45 days of the request in most cases. If we need additional time to complete your request, we will notify you within the first 45 days and may take an additional 45 days to complete your request.

You may authorize an agent to make a request under these rights on your behalf by completing a notarized Agent Authorization Form and submitting it with your Data Request web form or mailing it to us at Lexington Law Firm, Data Requests, 2875 South Decker Lake Drive, Suite 200, West Valley City, Utah 84119.

By exercising your rights, you will not be discriminated against by:

1. being denied services, however, if you exercise your right to have your personal information deleted, we will not be able to continue to provide service, as our services are dependent on that personal information;
2. suggesting or providing a lesser level or quality of service;
3. charging a different price for services, including through discounts, benefits, or penalties unless the price difference is reasonably related to the value provided to you by your data: or
4. Retaliating against an employee, applicant, or contractor.

Please note that whereas Lexington Law Firm provides credit counseling services, it is subject to obligations pursuant to the GLBA. The GLBA includes several definitions that will govern relevant privacy matters. Consequently, the terms "nonpublic personal information" or "personally identifiable financial information", for example, will pre-empt the CCPA's definitions of "Personal Information", "sale", or other important terms defined by the GLBA for matters involving services provided by Lexington Law Firm, its service providers, or agents.

Nevada Residents

We are providing you this notice under Nevada state law. You may be placed on our internal Do Not Call List by contacting us at 888-790-0826. Nevada law requires we provide the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: 702.486.3132; email: aginfo@ag.nv.gov or Lexington Law Firm, 2875 South Decker Lake Drive, Suite 200, West Valley City, Utah 84119, Phone number: 833-333-8277.



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Cody Johnson, Managing Attorney, John C. Heath, Attorney at Law, PC, d/b/a Lexington Law Firm, 20620 North 19th Avenue, Phoenix, Arizona 85027

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Exhibit B

Privacy Policy
(CreditRepair.com)

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CreditRepair.com Privacy Policy

Last Updated December 2022

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Your privacy is important to CreditRepair.com (The terms, “we”, “us” and “our” throughout this document mean CreditRepair.com). Please read our Privacy Policy carefully to understand how we collect, use, disclose, transfer, and store your information. By visiting our website or agreeing to content that includes a link to this document (“Online Ads”), you agree to the practices described in this Privacy Policy and our Terms of Use. (Specific state privacy protections are listed in Section 13 of this Privacy Policy).

1. Our Collection and Use of Personal Information

Personal Information includes information you provide us that can be used to uniquely identify or contact a single person, such as your name, address, email address, phone numbers and Social Security Number or Taxpayer Identification Number.

You may be asked to provide Personal Information when you interact with us, Online Ads, or one of our related companies, such as in connection with a completed or abandoned transaction or a request for information from us. CreditRepair.com and its related companies and service providers may share your Personal Information with each other and use it consistent with this Privacy Policy.

We may supplement the Personal Information and Sensitive Personal Information you provide with Personal Information available from other sources, such as credit bureaus, public databases, data aggregators, and other commercially-available sources.

2. Examples of Personal Information and Sensitive Personal Information We Collect and How We Use It

You provide us a variety of Personal Information, including your name, mailing address, email address, phone number, and payment information. You provide us Sensitive Personal Information such as your Social Security Number or Taxpayer Identification Number. Throughout this document, Personal Information and Sensitive Personal Information will be referred to as Personal Information unless called out separately when required.

The Personal Information we collect allows us to verify your identify, deliver requested products and services, and provide you information and offers from Service Providers and Related Companies. These are financial and non-financial companies that assist us in providing services to CreditRepair.com members along with other third-party companies with whom CreditRepair.com has a contractual relationship to provide marketing offers to CreditRepair.com members. It also allows us to stay in contact with you, and to manage CreditRepair.com's relationship with you. By providing us with Personal Information, you consent to our transfer and storage of that information.

Text or SMS Notices

If you replied, “AGREE” to receive text or SMS notifications, you consented to receive recurring text messages that contain updates to your account and credit from CreditRepair.com. Messages may be from an auto-dialing system. Message and data rates may apply. Text STOP to 45424 to cancel. Text HELP to 45424 for help. Participation is not required for the purchase of services. This program is supported by Alltel, AT&T, Boost, T-Mobile®, Verizon Wireless, VirginMobile, MetroPCS, and U.S. Cellular. Services are compatible with AT&T handsets. Carriers are not liable for delayed or undelivered messages.

Email

We also may use your Personal Information for research, development, and analysis, and for advertising, marketing, security, fraud prevention, and other business activities.

For example, we may use your email address to:

- Confirm your identity;
- Send you information on the status of your account or transaction;
- Contact you if we need your assistance to complete a transaction; and
- Send you newsletters, third party marketing offers from service providers and related companies, and customer-related material as permitted by law.

We have a zero tolerance policy for email abuse. If you receive unsolicited emails from us please report it to us. We are not responsible for communications you may receive from non-affiliated third parties.

We will never ask you to provide Personal Information in an email. DO NOT RESPOND to an email that appears to be from us requesting Personal information. Contact us immediately at 800-232-6499.

3. Our Collection and Use of Non-Personal Information

Non-Personal Information is information in a form that does not allow for direct association with a specific person. This information is compiled and analyzed on both a personal and an aggregated basis. We may collect, use, monitor, analyze, transfer, and disclose Non-Personal Information for any purpose.

4. Examples of Non-Personal Information We Collect and How We Use It

We may collect and aggregate information regarding user access, activity and behavior on our website, such as when you visit the website and what content is of interest or seems to be most useful to you. If we combine Non-Personal Information with Personal Information, the combined information is treated as Personal Information for purposes of this Privacy Policy.

Non-Personal Information includes:

Device Information – We may collect specific information for the device you use to access our website. For example, we may collect device model, operating system version, application software, and fonts.

Cookies and Other Technologies – We use a variety of technologies to collect and store information when you visit our website. This technology may involve sending web beacons and cookies or anonymous identifiers to your device. We use Cookies and Other Technologies to analyze your behavior when accessing our website and to deliver ads to you that we believe relate to your interests.

Log Information – When you visit our website, we collect certain information automatically and store it in log files. This information includes IP address, browser version, ISP data, referring and exit pages, operating system version, date / time stamps, cookie data, and clickstream data. We use Log Information to administer the website, analyze trends, maintain site security, learn about user behavior, and improve the overall quality and availability of the site.

Click-Through URLs – In some email messages, we use a Click-Through URL to link to content on our website. When you click one of these URLs, you pass through a separate web server before reaching our site. We use Click-Through URLs to help us determine interest in a particular topic and to measure the effectiveness of our email communications.

Anonymized Information – If we separate Non-Personal Information from Personal Information, the resulting Anonymized Information is treated as Non-Personal Information for purposes of this Privacy Policy.

5. Our Sharing of Information with Others

Personal Information

We do not share Personal Information with businesses or individuals outside of CreditRepair.com, except under the follow circumstances:

Consent – We will share your Personal Information with others when we have your consent to do so.

Service Providers – We provide Personal Information to related companies and other trusted businesses or persons who use, analyze, or process it on our behalf, based on our instructions and in compliance with appropriate confidentiality and security measures. For example, we may use others to:

- deliver, evaluate the effectiveness of, and assist in improving our products and services;
- conduct consumer research and satisfaction surveys;
- assist us in analyzing and understanding consumers and how to reach them more effectively;
- assist us in fraud prevention, with our security measures, and to provide us technical support;
- provide member support;
- manage member data, and to ensure data integrity and accuracy;
- process financial transactions and perform accounting functions; and
- advertise, market, or make product or service offerings.

Legal Reasons – We will share Personal Information with others if we have a good-faith belief that disclosure is necessary or appropriate to:

- comply with applicable law, regulation, legal process or enforceable governmental request;
- protect our operations or members:
- detect, investigate, or address fraud, security, or technical problems; or
- investigate potential violations of and enforce applicable terms of service.

In the event of a reorganization, merger, or sale we may transfer any and all personal information we collect to the relevant third party.

Non-Personal Information

We may share Non-Personal Information publicly and with our strategic partners. For example, we may share Non-Personal Information to describe the size and success of our company.

6. Transparency and Choice

We may use third-party display advertising companies, including web platforms, to serve our ads on its behalf on sites across the Internet. Our display advertisers and we use cookies to inform, optimize, and serve ads based on your past visits to our website.

You may find additional information, opt-out of, or otherwise customize display advertising from web platforms by visiting the web platform's ads preference manager.

You may find additional information and opt-out of other participating third-party display advertising by visiting the [Network Advertising Initiative opt-out page](#).

We may use third-party analytics companies, such as Google Analytics, Adobe, and Omniture to analyze and understand user behavior when visiting our website.

You may find additional information and opt-out of Adobe Analytics by visiting the [Google Analytics opt-out browser add-on](#).

You may find additional information and opt-out of Omniture Analytics by visiting the [Adobe opt-out page](#).

You also may disable cookies within your browser. Please note, however, that certain features of the CreditRepair.com website will not function properly or be available once cookies are disabled.

7. Social Media Plug-ins

Plug-ins for social networks, such as Facebook, Twitter, LinkedIn, Yahoo, Windows and Google plus (among others), are integrated on CreditRepair.com's website.

By interacting with us through a social media plug-in, certain information will be transmitted to the related social network, and you permit us to have on-going access to information from your social network profile.

If you do not want the social network to collect information about you, or to share it with CreditRepair.com and other third parties, please review the privacy policy of the relevant social network and/or log out of the relevant social network before you visit our site.

8. Information Security and Retention

We take precautions to safeguard your Personal Information from loss, theft, and misuse, as well as unauthorized access, disclosure, alteration, and destruction. These precautions include technical, physical, and administrative procedures.

Because email and instant messaging are not recognized as secure communications, we request that you not send private information to us by email or instant messaging services.

We regularly review our compliance with our Privacy Policy and enforce internal safeguards.

We are committed to working with appropriate regulatory authorities to resolve any complaints regarding the transfer of Personal Information that we cannot resolve with you directly.

We use Secure Sockets Layer (SSL) encryption on all pages where Personal Information is collected. This protects the confidentiality of your Personal Information while it is transmitted over the Internet.

For your own protection, you should exercise care with the information you share over the Internet. You should always use a secure browser and exercise good judgment in using passwords, such as using a combination of upper and lower case letters, numbers, special characters, and you should avoid using the same or similar passwords across multiple sites. We recommend using a password between 12 and 16 characters long.

You may access your Personal Information by logging into your account. We make good-faith efforts to give you ways to update or to delete your Personal Information quickly, unless we need to keep that information for a legitimate business or legal purpose. Some changes require personal contact with an assigned CreditRepair.com representative.

We retain Personal Information and Non-Personal Information for the time necessary and reasonable to fulfill the purposes outlined in the Privacy Policy, unless a longer retention period is required or permitted by law or ethical duties, including our duty to preserve case files for a reasonable time and relevant information necessary to preserve a legal claim or defense. Our data retention for such information is seven (7) years.

We may reject requests to change or delete information that are unreasonably repetitive, require disproportionate technical effort (for example, requiring the development of new systems or fundamental changes to existing systems), risk the privacy of others, or would be extremely impractical (such as information stored on backups).

We work to protect data from accidental or malicious destruction. Accordingly, we may not immediately delete or change residual copies and we may not delete or change information from our backup systems. Unless a disproportionate effort is required, we will provide information access and correction without charge.

9. Third Party Privacy Policies

This Privacy Policy only addresses the use and disclosure of information we collect from you. This policy does not apply to the practices of companies that we do not own or control or to people that we do not employ or manage. We do not control the privacy policies of third parties, and you are subject to the privacy policies of those third parties where applicable. We encourage you to ask questions before you disclose your personal information to others. For more information about each such third party, please refer to the third party’s privacy policy.

If you provided your information on the website of an entity not related to CreditRepair.com, and that entity shared your information with us, the privacy policy of that website governs the non-related entity’s use of your information, which may be different from this policy.

10. Children

We do not knowingly collect Personal Information from children under 13. If we learn that we have collected the personal information of a child under 13, we will take steps to delete the Personal Information as soon as possible.

11. Privacy Policy Changes and Questions

We may update our Privacy Policy from time to time. Changes to this Privacy Policy will be posted on our website, with a corresponding revision date. Please check the website and Online Ads each time you use them for the most current information and to ensure that you are aware of any updates.

12. Request for Information

If you have any questions or concerns about our Privacy Policy, please contact us: information@creditrepair.com

Should you no longer wish to receive our emails, you may click on the unsubscribe link located in the footer of each email received or at email-preferences.

13. State Privacy Protections

What personal information we collect	
Categories of personal information we have collected about consumers in the past 12 months.	<ul style="list-style-type: none"> • Personal identifiers • Credit report data • Audio and electronic information, including the use of online session replay technology
Categories of sensitive personal information we have collected about consumers in the past 12 months.	<ul style="list-style-type: none"> • Social Security Numbers • Taxpayer Identification Numbers

Categories of sources of the personal information we have collected.

We collect this information from you, credit bureaus, public databases, data aggregators, and other commercially available sources.

What we use it for

Business purpose for collecting personal information and sensitive personal information.

We use personal identifiers to authenticate identity and obtain requested credit reports. We use credit report data to assist with identifying and challenging unfair, unsubstantiated, and inaccurate items. We use internet/network activity to inform, optimize, and serve ads based on past visits to our website. We use audio and electronic information to record verbal agreements and authorizations given over the phone or through our web pages. We collect and maintain personal information including credit report data to assist with credit repair and maintenance services. We limit our use of sensitive personal information. We do not use or disclose sensitive personal information for purposes other than:

- To perform the services or provide the goods reasonably expected by you;
- To detect security incidents that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal information;
- To resist malicious, deceptive, fraudulent, or illegal actions directed at the business and to prosecute those responsible for those actions;
- To ensure the physical safety of natural persons;
- For short-term, transient use, including, but not limited to, non-personalized advertising shown as part of a consumer's current interaction with the business;
- To perform services on behalf of us, such as maintaining or servicing accounts, providing customer service, verifying your information, processing payments, and providing analytic services; and
- To verify or maintain the quality or safety of a service or device that is owned or controlled by us, and to improve, upgrade, or enhance that service or device.

How long we retain it

An estimate of how long we may or will maintain consumer's personal information.

We may store your personal information in accordance with legal record retention requirements which may be up to seven years after your account is closed.

To whom do we sell it or share it

Categories of personal information, if any, that we have sold or shared to third parties in the preceding 12 months.

We have not sold or shared personal information in the past 12 months. We do not sell or share any of your personal information to third parties without obtaining your specific consent.

Categories of third parties to whom the information was sold or shared.

None

Business purpose for selling or sharing personal information.

None

Actual knowledge of selling or sharing personal information of consumers under 16 years of age.

None

To whom we disclose it for business purposes

Categories of personal information, if any, that we have disclosed for a business purpose to third parties in the preceding 12 months.

- Personal identifiers
- Credit report data
- Internet/Network activity
- Audio and electronic information
- Social Security and Taxpayer Identification Numbers

Categories of third parties to whom the information was disclosed.	<ul style="list-style-type: none"> • Credit bureaus • Creditors • Account servicing providers
Identification of the specific business purpose for disclosing personal information.	We will disclose your personal information with our service providers only when it is necessary to process your requests, maintain your case, or communicate with credit bureaus or your creditors on your behalf.
How we verify and authenticate you	
How we verify your request to know, delete, or correct personal information.	We will verify your identity and right to request the information by asking you for information we can match with our records such as your name, phone number, Social Security Number, and/or date of birth. We may also verify you using your system login or other reasonable authentication service such as knowledge based authentication.

You have the right to request the following up to two times in a 12-month period:

- The categories of personal information we have collected about you in the past 12 months;
- The categories of sources from which we collect personal information;
- The business purpose for collecting or selling personal information;
- The categories of third parties with whom we share personal information;
- The specific personal information we have collected about you in the past 12 months;
- The categories of personal information that we sold about you and the categories of third parties to whom the personal information was sold in the past 12 months, or verification that no personal information was sold;
- The categories of personal information we disclosed about you for a business purpose in the past 12 months, or verification that no personal information was disclosed.

In addition, you have the following rights:

1. You have the right to know the following:
 - a. The categories of personal information we have collected about you;
 - b. The categories of sources from which the personal information is collected;
 - c. The business or commercial purpose for collecting, selling, or sharing personal information;
 - d. The categories of third parties to whom we disclose personal information; and
 - e. The specific pieces of Personal Information we have collected about you.
2. You have the right to correction of inaccurate personal information
3. You have the right to request that personal information be deleted, subject to various exceptions including matters governed by the Gramm-Leach-Bliley Act (GLBA) or to comply with a legal obligation whether of general or specific applicability. However, if you exercise your right to have your personal information deleted, we will not be able to continue to provide service, as our services are dependent on that personal information;
4. You have the right to request that personal information not be sold to or shared with third parties, if applicable and the right to know the categories of persons to whom it was disclosed for a business purpose; and
5. You have the right not to be discriminated against in light of choosing to exercise any of these rights.

To exercise any of these rights, or for questions or concerns about our privacy policies or practices, contact us:

- by submitting the [Data Requests](#) form (for exercising data privacy rights only)
- by calling 800-270-9679

When you make any of the above data requests, we will provide the requested information within 45 days of the request in most cases. If we need additional time to complete your request, we will notify you within the first 45 days and may take an additional 45 days to complete your request.

You may authorize an agent to make a request under these rights on your behalf by completing a notarized Agent Authorization Form and submitting it with your Data Request web form or mailing it to us at CreditRepair.com, Data Requests, 2875 South Decker Lake Drive, Suite 200, West Valley City, Utah 84119.

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3. charging a different price for services, including through discounts, benefits, or penalties unless the price difference is reasonably related to the value provided to you by your data: or
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- What You Get
- Frequently Asked Questions

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- YouTube
- Create a Review

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- CreditRepair.com Blog
- Credit Improvement
- Debt Solutions
- Identity Theft
- Loan Center
- Score Estimator
- Disputes and Bureaus

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** Your results will vary

Confirm

Exhibit C

Privacy Policy
(Credit.com)

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Credit.com Privacy Policy

Last Updated December 2022

© Credit.com, Inc.

Your privacy is important to Credit.com, Inc. (The terms “we”, “us” and “our” throughout this document mean Credit.com, Inc.). Please read our Privacy Policy carefully to understand how we collect, use, disclose, transfer, and store your information. By visiting our website or agreeing to content that includes a link to this document (“Online Ads”), you agree to the practices described in this Privacy Policy and our Terms of Use. (Specific state privacy protections are listed in Section 13 of this Privacy Policy).

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1. Our Collection and Use of Personal Information

Personal Information includes information you provide us that can be used to uniquely identify or contact a single person, such as your name, address, email address, phone numbers and Social Security Number or Taxpayer Identification Number.

You may be asked to provide Personal Information when you interact with us, Online Ads, or one of our related companies, such as in connection with a completed or abandoned transaction or a request for information from us. Credit.com and its related companies and service providers may share your Personal Information with each other and use it consistent with this Privacy Policy.

We may supplement the Personal Information you provide with Personal Information available from other sources, such as credit bureaus, public databases, data aggregators, and other commercially-available sources.

2. Examples of Personal Information and Sensitive Personal Information We Collect

and How We Use It

You provide us a variety of Personal Information, including your name, mailing address, email address, phone number, and payment information. You provide us Sensitive Personal Information such as your Social Security Number or Taxpayer Identification Number. Throughout this document, Personal Information and Sensitive Personal Information will be referred to as Personal Information unless called out separately when required.

The Personal Information we collect allows us to verify your identity, deliver requested products and services, and provide you information and offers from Service Providers and Related Companies. These are financial and non-financial companies that assist us in providing services to Credit.com users along with other third-party companies with whom Credit.com has a contractual relationship to provide marketing offers to Credit.com users. It also allows us to stay in contact with you, and to manage Credit.com's relationship with you. By providing us with Personal Information, you consent to our transfer and storage of that information.

Text or SMS Notices

If you replied, "AGREE" to receive text or SMS notifications, you consented to receive recurring text messages that contain updates to your account and credit from Credit.com. Messages may be from an auto-dialing system. Message and data rates may apply. Text STOP to 45424 to cancel. Text HELP to 45424 for help. Participation is not required for the purchase of services. This program is supported by Alltel, AT&T, Boost, T-Mobile®, Verizon Wireless, VirginMobile, MetroPCS, and U.S. Cellular. Services are compatible with AT&T handsets. Carriers are not liable for delayed or undelivered messages.

Email

We also may use your Personal Information for research, development, and analysis, and for advertising, marketing, security, fraud prevention, and other business activities.

For example, we may use your email address to:

- Confirm your identity;
- Send you information on the status of your account or transaction;
- Contact you if we need your assistance to complete a transaction; and
- Send you newsletters, third party marketing offers from service providers and related companies, and customer-related material as permitted by law.

We have a zero tolerance policy for email abuse. If you receive unsolicited emails from us please report it to us. We are not responsible for communications you may receive from non-affiliated third parties.

We will never ask you to provide Personal Information in an email. DO NOT RESPOND to an email that appears to be from us requesting Personal information. Contact us immediately at privacy@credit.com. We do not store email addresses from correspondence sent to us. If you contact us by email, we will respond by email.

3. Our Collection and Use of Non-Personal Information

Non-Personal Information is information in a form that does not allow for direct association with a specific person. This information is compiled and analyzed on both a personal and an aggregated basis. We may collect, use, monitor, analyze, transfer, and disclose Non-Personal Information for any purpose.

4. Examples of Non-Personal Information We Collect and How We Use It

We may collect and aggregate information regarding user access, activity and behavior on our website, such as when you visit the website and what content is of interest or seems to be most useful to you. If we combine Non-Personal Information with Personal Information, the combined information is treated as Personal Information for purposes of this Privacy Policy.

Non-Personal Information includes:

Device Information – We may collect specific information for the device you use to access our website. For example, we may collect device model, operating system version, application software, and fonts.

Cookies and Other Technologies – We use a variety of technologies to collect and store information when you visit our website. This technology may involve sending web beacons and cookies or anonymous identifiers to your device. We use Cookies and Other Technologies to analyze your behavior when accessing our website and to deliver ads to you that we believe relate to your interests.

Log Information – When you visit our website, we collect certain information automatically and store it in log files. This information includes IP address, browser version, ISP data, referring and exit pages, operating system version, date / time stamps, cookie data, and clickstream data. We use Log Information to administer the website, analyze trends, maintain site security, learn about user behavior, and improve the overall quality and availability of the site.

Click-Through URLs – In some email messages, we use a Click-Through URL to link to content on our website. When you click one of these URLs, you pass

through a separate web server before reaching our site. We use Click-Through URLs to help us determine interest in a particular topic and to measure the effectiveness of our email communications.

Anonymized Information – If we separate Non-Personal Information from Personal Information, the resulting Anonymized Information is treated as Non-Personal Information for purposes of this Privacy Policy.

5. Our Sharing of Information with Others

Personal Information

We do not share Personal Information with businesses or individuals outside of Credit.com, except under the follow circumstances:

Consent – We will share your Personal Information with others when we have your consent to do so.

Service Providers – We provide Personal Information to related companies and other trusted businesses or persons who use, analyze, or process it on our behalf, based on our instructions and in compliance with appropriate confidentiality and security measures. For example, we may use others to:

- deliver, evaluate the effectiveness of, and assist in improving our products and services;
- conduct consumer research and satisfaction surveys;
- assist us in analyzing and understanding consumers and how to reach them more effectively;
- assist us in fraud prevention, with our security measures, and to provide us technical support;
- provide customer support;
- manage customer data, and to ensure data integrity and accuracy;
- process financial transactions and perform accounting functions; and
- advertise, market, or make product or service offerings.

Legal Reasons – We will share Personal Information with others if we have a good-faith belief that disclosure is necessary or appropriate to:

- comply with applicable law, regulation, legal process or enforceable governmental request;
- protect our operations or customers
- detect, investigate, or address fraud, security, or technical problems; or
- investigate potential violations of and enforce applicable terms of service.

In the event of a reorganization, merger, or sale we may transfer any and all personal information we collect to the relevant third party.

Non-Personal Information

We may share Non-Personal Information publicly and with our strategic partners. For example, we may share Non-Personal Information to describe the size and success of our company.

6. Transparency and Choice

We may use third-party display advertising companies, including web platforms, to serve our ads on its behalf on sites across the Internet. Our display advertisers and we use cookies to inform, optimize, and serve ads based on your past visits to our website.

You may find additional information, opt-out of, or otherwise customize display advertising from web platforms by visiting the web platform's ads preference manager.

You may find additional information and opt-out of other participating third-party display advertising by visiting the [Network Advertising Initiative opt-out page](#).

We may use third-party analytics companies, such as Google Analytics, Adobe and Omniture to analyze and understand user behavior when visiting our website.

You may find additional information and opt-out of Google Analytics by visiting the [Google Analytics opt-out browser add-on](#).

You may find additional information and opt-out of Adobe Analytics by visiting the [Adobe opt-out page](#).

You also may disable cookies within your browser. Please note, however, that certain features of the Credit.com website will not function properly or be available once cookies are disabled.

7. Social Media Plug-ins

Plug-ins for social networks, such as Facebook, Twitter, LinkedIn, Yahoo, Windows and Google plus (among others), are integrated on Credit.com's website.

By interacting with us through a social media plug-in, certain information will be transmitted to the related social network, and you permit us to have on-going access to information from your social network profile.

If you do not want the social network to collect information about you, or to share it with Credit.com and other third parties, please review the privacy

8. Information Security and Retention

We take precautions to safeguard your Personal Information from loss, theft, and misuse, as well as unauthorized access, disclosure, alteration, and destruction. These precautions include technical, physical, and administrative procedures.

Because email and instant messaging are not recognized as secure communications, we request that you not send private information to us by email or instant messaging services.

We regularly review our compliance with our Privacy Policy and enforce internal safeguards.

We are committed to working with appropriate regulatory authorities to resolve any complaints regarding the transfer of Personal Information that we cannot resolve with you directly.

We use Secure Sockets Layer (SSL) encryption on all pages where Personal Information is collected. This protects the confidentiality of your Personal Information while it is transmitted over the Internet.

For your own protection, you should exercise care with the information you share over the Internet. You should always use a secure browser and exercise good judgment in using passwords, such as using a combination of upper and lower case letters, numbers, special characters, and you should avoid using the same or similar passwords across multiple sites. We recommend using a password between 12 and 16 characters long.

You may access your Personal Information by logging into your account. We make good-faith efforts to give you ways to update or to delete your Personal Information quickly, unless we need to keep that information for a legitimate business or legal purpose. Some changes require personal contact with an assigned Credit.com representative.

We retain Personal Information and Non-Personal Information for the time necessary and reasonable to fulfill the purposes outlined in the Privacy Policy, unless a longer retention period is required or permitted by law or ethical duties, including our duty to preserve case files for a reasonable time and relevant information necessary to preserve a legal claim or defense. Our data retention for such information is seven (7) years.

We may reject requests to change or delete information that are unreasonably

repetitive, require disproportionate technical effort (for example, requiring the development of new systems or fundamental changes to existing systems), risk the privacy of others, or would be extremely impractical (such as information stored on backups).

We work to protect data from accidental or malicious destruction. Accordingly, we may not immediately delete or change residual copies and we may not delete or change information from our backup systems. Unless a disproportionate effort is required, we will provide information access and correction without charge.

9. Third Party Privacy Policies

This Privacy Policy only addresses the use and disclosure of information we collect from you. This policy does not apply to the practices of companies that we do not own or control or to people that we do not employ or manage. We do not control the privacy policies of third parties, and you are subject to the privacy policies of those third parties where applicable. We encourage you to ask questions before you disclose your personal information to others. For more information about each such third party, please refer to the third party's privacy policy.

If you provided your information on the website of an entity not related to Credit.com, and that entity shared your information with us, the privacy policy of that website governs the non-related entity's use of your information, which may be different from this policy.

10. Children

We do not knowingly collect Personal Information from children under 13. If we learn that we have collected the personal information of a child under 13, we will take steps to delete the Personal Information as soon as possible.

11. Privacy Policy Changes and Questions

We may update our Privacy Policy from time to time. Changes to this Privacy Policy will be posted on our website, with a corresponding revision date. Please check the website and Online Ads each time you use them for the most current information and to ensure that you are aware of any updates.

12. Request for Information

If you have any questions or concerns about our Privacy Policy, please contact us: support@credit.com

Should you no longer wish to receive our emails, you may click on the

13. State Privacy Protections

What personal information we collect	
Categories of personal information we have collected about consumers in the past 12 months.	<ul style="list-style-type: none"> • Personal identifiers • Credit report data • Audio and electronic information, including the use of online session replay technology
Categories of <i>sensitive</i> personal information we have collected about consumers in the past 12 months.	<ul style="list-style-type: none"> • Social Security Numbers • Taxpayer Identification Numbers
Categories of sources of the personal information we have collected.	We collect this information from you, credit bureaus, public databases, data aggregators, and other commercially available sources.
What we use it for	
Business purpose for collecting personal information and	We use personal identifiers to authenticate identity and obtain requested credit reports. We use credit report data to assist with identifying and challenging unfair, unsubstantiated, and inaccurate items. We use internet/network activity to inform, optimize, and serve ads based on past visits to our website. We use audio and

sensitive personal information.

electronic information to record verbal agreements and authorizations given over the phone or through our web pages. We collect and maintain personal information including credit report data to assist with credit repair and maintenance services. We limit our use of sensitive personal information. We do not use or disclose sensitive personal information for purposes other than:

- To perform the services or provide the goods reasonably expected by you;
- To detect security incidents that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal information;
- To resist malicious, deceptive, fraudulent, or illegal actions directed at the business and to prosecute those responsible for those actions;
- To ensure the physical safety of natural persons;
- For short-term, transient use, including, but not limited to, non-personalized advertising shown as part of a consumer’s current interaction with the business;
- To perform services on behalf of us, such as maintaining or servicing accounts, providing customer service, verifying your information, processing payments, and providing analytic services; and
- To verify or maintain the quality or safety of a service or device that is owned or controlled by us, and to improve, upgrade, or enhance that service or device.

How long we retain it

An estimate of how long we may or will maintain consumer’s personal information.

We may store your personal information in accordance with legal record retention requirements which may be up to seven years after your account is closed.

To whom do we sell it or share it

Categories of personal information, if any, that we have sold or

Name, address, & phone number

<p>shared to third parties in the preceding 12 months.</p>	
<p>Categories of third parties to whom the information was sold or shared.</p>	<p>Our affiliates</p>
<p>Business purpose for selling or sharing personal information.</p>	<p>For our affiliates to market to you</p>
<p>Actual knowledge of selling or sharing personal information of consumers under 16 years of age.</p>	<p>None</p>
<p>To whom we disclose it for business purposes</p>	
<p>Categories of personal information, if any, that we have disclosed for a business purpose to third parties</p>	<ul style="list-style-type: none"> • Personal identifiers • Credit report data • Internet/Network activity • Audio and electronic information • Social Security and Taxpayer Identification Numbers

in the preceding 12 months.	
Categories of third parties to whom the information was disclosed.	<ul style="list-style-type: none"> • Credit bureaus • Creditors • Account servicing providers
Identification of the specific business purpose for disclosing personal information.	We will disclose your personal information with our service providers only when it is necessary to process your requests, maintain your case, or communicate with credit bureaus or your creditors on your behalf.
How we verify and authenticate you	
How we verify your request to know, delete, or correct personal information.	We will verify your identity and right to request the information by asking you for information we can match with our records such as your name, phone number, Social Security Number, and/or date of birth. We may also verify you using your system login or other reasonable authentication service such as knowledge based authentication.

You have the right to request the following up to two times in a 12-month period:

- The categories of personal information we have collected about you in the past 12 months;
- The categories of sources from which we collect personal information;
- The business purpose for collecting or selling personal information;
- The categories of third parties with whom we share personal information;
- The specific personal information we have collected about you in the past 12 months;
- The categories of personal information that we sold about you and the categories of third parties to whom the personal information was sold in the

past 12 months, or verification that no personal information was sold;

- The categories of personal information we disclosed about you for a business purpose in the past 12 months, or verification that no personal information was disclosed.

In addition, you have the following rights:

1. You have the right to know the following:
 - a. The categories of Personal Information we have collected about you;
 - b. The categories of sources from which the Personal Information is collected;
 - c. The business or commercial purpose for collecting, selling, or sharing personal information;
 - d. The categories of third parties to whom we disclose personal information; and
 - e. The specific pieces of Personal Information we have collected about you.
2. You have the right to correction of inaccurate Personal Information
3. You have the right to request that Personal Information be deleted, subject to various exceptions including matters governed by the Gramm-Leach-Bliley Act (GLBA) or to comply with a legal obligation whether of general or specific applicability. However, if you exercise your right to have your personal information deleted, we will not be able to continue to provide service, as our services are dependent on that personal information;
4. You have the right to request that Personal Information not be sold to or shared with third parties, if applicable and the right to know the categories of persons to whom it was disclosed for a business purpose; and
5. You have the right not to be discriminated against in light of choosing to exercise any of these rights.

To exercise any of these rights, or for questions or concerns about our privacy policies or practices, contact us:

- by submitting the [Data Requests](#) form (for exercising data privacy rights only)
- by writing Credit.com, Data Requests, 2875 South Decker Lake Drive, Suite 200, West Valley City, Utah 84119

When you make any of the above requests we will provide the requested information within 45 days of the request in most cases. If we need additional time to complete your request, we will notify you within the first 45 days and may take an additional 45 days to complete your request.

You may authorize an agent to make a request under these rights on your behalf by completing a notarized Agent Authorization Form and submitting it with your Data Request web form or mailing it to us at Credit.com, Data Requests, 2875 South Decker Lake Drive, Suite 200, West Valley City, Utah 84119.

By exercising your rights, you will not be discriminated against by:

1. being denied services, however, if you exercise your right to have your personal information deleted, we will not be able to continue to provide service, as our services are dependent on that personal information;
2. suggesting or providing a lesser level or quality of service;
3. charging a different price for services, including through discounts, benefits, or penalties unless the price difference is reasonably related to the value provided to you by your data: or
4. Retaliating against an employee, applicant, or contractor.

Please note that whereas we provide credit-counseling services, it is subject to obligations pursuant to the GLBA. The GLBA includes several definitions that will govern relevant privacy matters. Consequently, the terms “nonpublic personal information” or “personally identifiable financial information”, for example, will pre-empt the CCPA’s definitions of “Personal Information”, “sale”, or other important terms defined by the GLBA for matters involving services provided by us, our service providers, or agents.

Nevada Residents

We are providing you this notice under Nevada state law. You may be placed on our internal Do Not Call List by e-mailing us at support@credit.com. Nevada law requires we provide the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: 702.486.3132; email: aginfo@ag.nv.gov or Credit.com, 257 E. 200 S., Suite 900, Salt Lake City, UT 84111.

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