

CCPA: California Consumer Privacy Act FAQs

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About Agilysys

Agilysys has been a leader in hospitality software for more than 40 years, delivering innovative guest-centric technology solutions for gaming, hotels, resorts and cruise, corporate foodservice management, restaurants, universities, stadia and healthcare. Agilysys offers the most comprehensive software solutions in the industry, including point-of-sale (POS), property management (PMS), inventory and procurement, payments, and related applications, to manage the entire guest journey. Agilysys is known for its leadership in hospitality, its broad product offerings and its customer-centric service. Some of the largest hospitality companies around the world use Agilysys solutions to help improve guest loyalty, drive revenue growth and increase operational efficiencies. Agilysys operates across North America, Europe, Asia-Pacific, and India with headquarters located in Alpharetta, GA. For more information visit Agilysys.com.

General Information

- The California Consumer Privacy Act (CCPA) is a state law concerning how certain businesses control or process California residents' personal data. Legislation goes into effect on January 1, 2020.
- The law is broadly similar to the European Union's General Data Protection Regulations (GDPR). Under the CCPA:
 - "Consumers" (i.e., natural persons of California domicile) own their data and have qualified rights of access, portability, and deletion;
 - "Information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household" is considered "Personal Information" to be protected;
 - Any for-profit company doing business in California that:
 1. has a gross revenue over \$25M per year;
 2. annually buys, receives, sells, or shares the personal information of more than 50,000 customers (devices, individuals, and/or households); or
 3. derives 50% or more of its annual revenue from selling consumers' personal information, is a covered "Business."
Further, the CCPA also applies to entities that control, are controlled by, or share common branding with a Business.
- The CCPA features robust penalties. Businesses must receive notice of any violation and have a 30-day cure period to rectify the issue. Otherwise, Consumers may bring actions for \$100 to \$750 per incident, and the California Attorney General may bring actions on behalf of the state, with penalties of \$2,500 to \$7,500 per violation. Injunctive relief is also available.

Is Agilysys a Data Business or Service Provider?

- **Definitions:** The CCPA designates data handlers as either Businesses or Service Providers:
 - Businesses determine what, how, and why Personal Information is processed.
 - Service Providers store, secure, and process Personal Information on the Business's behalf and according to their instructions.
- **Product and Data Types:**
 - **On-premises products:** the customer is both the Business and the Service Provider.
 - **Hosted and SaaS products:** Agilysys is a Service Provider of customers' guests' Personal Information.
 - **Business Relationship Data:** Agilysys is a Service Provider for a minimal amount of Personal Information on our customers' and partners' employees, in a work context (i.e., their names, work e-mail, work phone, and potentially home phone, which are stored in

Salesforce), that is voluntarily provided and necessary for business purposes (e.g., to resolve product support issues).

- **Customer Guest Data During Troubleshooting:** Agilysys may be a Service Provider of our customers' guests' Personal Information that could be remotely accessed during a customer support request. It is our policy not to retain such Personal Information and to delete it if it is inadvertently stored.
- **Agilysys's Employee Data:** Agilysys is a Business for certain Personal Information it maintains on its California employees.

How does Agilysys comply with the CCPA?

Agilysys takes the following actions in compliance with the CCPA:

- Trains employees on the scope and requirements of the CCPA;
- Implements technical and organizational measures to provide adequate protection of our customers' Personal Information and their guests' Personal Information;
- Uses agreements that specify our obligations to our customers and their guests;
- Processes Personal Information only on a lawful basis;
- Enables our customers and their guests to determine whether, how, and why Personal Information is being processed;
- Ensures that our employees involved in data processing are subject to appropriate obligations of secrecy;
- Supports proper requests to access, export, or delete any processed Personal Information;
- Transfers Personal Information only via lawful transfer mechanisms;
- Assists our customers with audits, compliance, investigations, or certifications; and
- Documents Personal Information breaches, and timely notifies our customers when they occur.

CONSUMER RIGHTS:

Access, Portability and Deletion

- The CCPA provides California residents with certain qualified rights, including the rights to access, export, and delete their Personal Information. These rights are fairly self-explanatory. It is important to know, however, that Agilysys's obligations with respect to the CCPA depend on whether we are a Business or a Service Provider. And whether we are a Business or a Service Provider largely depends on the Personal Information and products involved.
- **On-Premises Products:** Because customers are both the Business and Service Provider, they have the sole obligation to comply with Consumers' valid requests.
- **Hosted and SaaS Products, Business Relationship Data, and Agilysys's Employee Data:** Agilysys will comply with any valid request from an individual who is a former employee domiciled in California, or from a Business. For Consumers where Agilysys was a Service Provider, Agilysys will notify the relevant Business and request their permission to comply with the request.
- **Customer Guest Data During Troubleshooting:** It is Agilysys policy to immediately delete any Consumers' Personal Information we receive as part of product troubleshooting. If Agilysys inadvertently retains such Personal Information, Agilysys will comply with valid requests for deletion.

Data Processing Records

- **On-Premises Products:** Agilysys does not maintain Personal Information processing records.
- **Hosted and SaaS Products and Agilysys's Employee Data:** Agilysys maintains full Personal Information processing records.
- **Business Relationship Data:** Agilysys may retain records containing business Personal Information that Consumers and Businesses voluntarily provide to support their practices. Agilysys can identify which of its employees can access such data, but Agilysys does not record how or when that Personal Information is accessed, modified, or deleted.
- **Customer Support:** Agilysys does not maintain records of Consumers' Personal Information that may be accessed during the troubleshooting process and deletes such records if they are inadvertently maintained. Agilysys will maintain a processing record for any Consumer Personal Information that was inadvertently retained and subsequently deleted in response to a Consumer's valid request.

Data Transfer Transparency

- **On-Premises Products:** Agilysys does not maintain nor transfer Personal Information.
- **Hosted and SaaS Products, Business Relationship Data, and Agilysys's Employee Data:** Upon request, Agilysys will identify all international parties to whom we transfer Personal Information and will provide customers and Consumers with information related to such transfers.

- **Customer Guest Data During Troubleshooting:** Agilysys does not maintain, nor transfer, Personal Information related to Businesses' troubleshooting requests.

Breach Notification Process

- **On-Premises Products:** Agilysys does not have knowledge of any breach and therefore lacks reporting requirements.
- **Hosted and SaaS Products, Business Relationship Data, and Agilysys's Employee Data:** Agilysys documents Personal Information breaches and will timely notify Businesses and Consumers if such a breach occurs.
- **Customer Guest Data During Troubleshooting:** Agilysys does not maintain records of Consumers' Personal Information that may be accessed during the troubleshooting process and deletes such records if they are inadvertently maintained. Nevertheless, if any such Personal Information is retained and subject to a breach, Agilysys will timely notify affected Businesses and Consumers.

Contact Agilysys

Businesses and Consumers may direct questions to the Agilysys Privacy Team by emailing privacy@agilysys.com.