

# Privacy Policy



Last Updated: October 5, 2020

## Respect for Your Privacy

This Privacy Policy explains the ways in which Orion Advisor Solutions, Inc. and its parents, subsidiaries, and affiliates, including Orion Advisor Technology, LLC, Orion Portfolio Solutions, LLC, Brinker Capital Investments, LLC, Constellation Trust Company, Advizr, Inc., and Brinker Capital Securities, LLC (collectively, "Orion", "we," "us," or "our") collects, uses, and shares personal information about you. This statement applies to personal information that you provide to us:

- as a visitor to our website or as a user of our client portals;
- when you send us personal information in connection with products and services we provide directly to you; and
- when our platform is used by our customers who are paid subscribers of our services ("Customers") and who provide us with your information in connection with the financial advisory or other services you've engaged them to perform for you. This is "Customer Data" and may include your name, email address and financial account data, in order for the Customer to provide you with wealth management, financial planning, and/or other financial services. This Customer Data may be electronically submitted by a Customer or may be received through a third-party (including custodian) pursuant to a Customer's instructions.

We value your trust and encourage you to take some time to read this Privacy Policy carefully. This Privacy Policy applies to all the products, services, apps and websites offered by Orion. We refer to those products, services, apps and websites collectively as the "Services" in this Privacy Policy. By accessing and using the Services, or any part thereof, you agree that you have read and understand this Privacy Policy, and that, in exchange for access to the Services, you accept and consent to the privacy practices (and any uses and disclosures of information about you) that are described in this Privacy Policy.

## Security

Orion safeguards customer information according to an established information security program which includes policies addressing the acceptable use and access to confidential business information and personal information which may be contained in Orion's information systems. Orion maintains physical, electronic, and procedural safeguards reasonably designed to guard personal information that has been provided to us from loss, misuse or unauthorized access, disclosure, alteration, or destruction.

## Data Ownership

Please note that when you utilize our Services, you are not transferring the ownership of data about you or your clients by storing it in Orion. Your clients are your clients, and the data that you store in Orion belongs to you. We utilize the data you share with us or place in our system to assist you with support requests, troubleshoot problems, or monitor the performance and effectiveness of the Services. In addition, we utilize data across the entire Orion platform to improve our effectiveness, develop insights, or monitor the performance and effectiveness of the system. We limit access to customer information to individuals in our organization who need it in order to perform their jobs. Employees who have access to your information and your client information are required to safeguard such information and keep it confidential.

## Information We Collect About You

The types of personal information we collect depend on the purpose for which you provide it to us. We only collect what is necessary for the purposes set out in this Privacy Policy or in any local supplement or notice. We collect information when you give it to us (such as when you utilize our services or hire one of our affiliates to provide you with investment management or technology services), when you give us permission to obtain it (such as when you give us permission to access your financial resources that contain your personal information, including but not limited to, your account custodian, another technology service provider, or other data sources or websites with that information), or when we obtain it from our Customers in connection with their use of our Services. We may also obtain personal information from third parties in order to verify your identity, prevent fraud, or help us identify other products or services that may be of benefit to you.

“Collected Information” includes both “Personal Information” and “Technical Information”, each as described below.

- Personal Information – We may collect personal information that generally falls within one or more of the following categories:
  - *Identifiers*—real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, e-mail address, account name, Social Security number, telephone number, signature, or other similar identifiers
  - *Financial and Transactional Information*—financial information about you such as custodial or bank account number, transactional information, and account authentication details
  - *Protected Classifications*—age, citizenship, marital status, or sex/gender
  - *Investment Information*—investment information, financial goals, assets, and income information
  - *Geolocation Data*—information regarding your physical location
  - *Communications*—audio, electronic, visual, or similar information when you communicate with us via phone, video, or otherwise
  - *Professional or Employment Information*—current or previous job history, or information about your business or profession

- *Household Information*—household age, income, persons in household, and other information which could be linked to a consumer or household
- *Inferences*—information reflecting your preferences
- *Publicly Available Information*—information that is in public records or otherwise made publicly available
- **Technical Information** – We also collect information regarding how you interact with our system or our Services, which information may include the pages you view, links you click or hover over, selections you make on websites, features you use, preferences you set, the internet protocol (IP) address of the device you are using to access the Services (or any portion thereof), computer browser type, and average time spent on certain pages.

## How We Use Collected Information

We use the Collected Information shared with us for various purposes as permitted by applicable law, including, without limitation, to (i) provide the Services to you, (ii) personalize your experience, (iii) improve our Services, (iv) process transactions, (v) administer a promotion, survey, or other Service feature, (vi) send periodic emails, (vii) notify you about our Services that may be of interest to you, and (viii) notify you about changes to our policies. We may also use the information we collect as otherwise disclosed to you at the point of collection or for any other purposes with your consent.

We may share your Collected Information with your consent. We may also share your information with any of our affiliates or subsidiaries, as permitted by law, including for business purposes such as providing the Services to you, processing your transactions, offering our products and Services to you, obtaining information about your transactions and experiences, or for any other purpose described in this Privacy Policy, or any other lawful purposes. Orion works with a number of non-affiliated companies that help service your account or assist us with providing the Services to you. All such sharing of information with third parties will be subject to obligations of confidentiality between Orion and you.

We may also disclose Collected Information if we become subject to a subpoena or court order, to report to credit bureaus, or if we are otherwise legally required to disclose information. We may use and disclose Collected Information to establish or exercise our legal rights, to assert and defend legal claims, or if we believe such disclosure is necessary to investigate, prevent, or take other action regarding actual or suspected illegal or fraudulent activities or potential threats to the physical safety or well-being of any person.

As Orion grows and develops its business, it is possible that its corporate structure or organization might change. If Orion experiences a change in control or is otherwise reorganized, it may amend this Privacy Policy and you should expect that the Collected Information would be shared with such new affiliate(s) consistent with this Privacy Policy.

We do not share our user lists or the identity of our customers or users to third parties without your consent. However, we may use and disclose certain aggregated, deidentified information to our affiliates, subsidiaries, business partners, and third-party service providers or through certain anonymized analytics data available through our Services to other users. However, such information shall not be personally identifiable to any customer or user.

## How We Protect Collected Information

Orion takes commercially reasonable measures that comply with applicable laws and industry standards to secure and protect information transmitted via or stored through our Services. These measures include computer safeguards and secured files and buildings. Nevertheless, no security system is impenetrable. We cannot guarantee that information that users of the Services may happen to transmit or otherwise supply will be totally secure. You agree to immediately notify us of any breach of our security system or this Privacy Policy of which you become aware.

## Our Retention of Personal Information

We retain personal information for as long as reasonably necessary for the purposes for which it was collected. In some circumstances, we may store personal information for longer periods of time as necessary to comply with legal, regulatory, tax, accounting, or technical requirements. Our retention periods are based on the quantity, type, and sensitivity of the personal information, the potential risk of unauthorized use or disclosure, and applicable legal requirements.

## Applicability

If you do not agree to the terms of this Privacy Policy, please do not provide Orion with any information and do not use the Services. By using the Services and voluntarily providing your Personal Information to Orion, you consent to the collection and use of such Personal Information as set forth in this Privacy Policy.

## Lawful Grounds

We rely on the following lawful grounds to process (collect, store, and use) your personal data: (a) it is necessary for the performance of a contract with you; (b) our or a third party's legitimate business interest; or (c) your consent. To the extent that our processing of your personal information is based on your consent, you have the right to withdraw that consent at any time without affecting the lawfulness of the processing that was based on your consent before your withdrawal.

## Individual Rights and Data Subject Requests

Through access to our Services, you are given the tools to change access, delete, or modify your personal information within the Services. We also provide tools to our Customers to respond to your data subject request within the Services, as applicable to you. Additionally, you may also contact us at [privacy@orion.com](mailto:privacy@orion.com) or by calling us at (800) 341-1093 to request access to, transfer of, and rectification or erasure of your personal data, or restriction of processing, or to object to processing of your personal data. If sending an email, please specify the nature of your request and the information that is the subject of your request. We may require you to submit additional information necessary to verify your identity and status as a data subject. Only you or a person you have designated in writing as your authorized agent may make a verifiable consumer request related to your personal information. If an authorized

agent makes a verifiable consumer request on your behalf, they need to provide us sufficient written proof that you designated them as your authorized agent. You may also make a verifiable consumer request on behalf of your minor child. We will respond to your request within thirty (30) days.

## International Data Transfers

Our Services are based, controlled, operated, and administered by us in the United States, and are strictly intended for use within the United States. If you visit our websites or use our Services outside the United States, your personal information may be transmitted to, stored, or processed in the United States.

If we transfer your personal information internationally in a manner which requires certain legal protections for your personal information, we will do so in accordance with appropriate safeguards mandated by applicable data protection laws. This may include, but is not limited to, transferring personal information among organizations that participate in the Swiss - U.S. Privacy Shield framework, agreements that incorporate standard contractual clauses approved by applicable data protection authorities, or by other means approved by data protection authorities in the applicable countries from which the personal information is transferred. For more information about the mechanisms we use to safeguard personal information transferred internationally, please contact us.

## Modifications

Orion may update, amend, revise, or otherwise change this Privacy Policy from time to time. We will post any changes on this page and, if the changes are substantial, we may provide a more prominent notice (including, for certain services, e-mail notification of Privacy Policy changes). Each version of this Privacy Policy will be identified at the top of the page by its effective date. Continued use of our websites or services constitutes your acceptance of our then-effective Privacy Policy. Orion encourages you to review the Privacy Policy whenever you access our Services or otherwise interact with Orion to stay informed about our information practices and the choices available to you.

## Cookies

“Cookies” are small files used by websites to store information on your computer that provide technical and navigational information, such as computer browser type, Internet protocol address, pages visited, and average time spent on our website. Orion cookies contain information that identifies you during a session and allows the web page to function, to facilitate site navigation, and to personalize your experience. Your browser must be enabled to accept cookies. Orion may also use anonymous log file information to customize your viewing experience, improve the performance of our website, monitor statistics and use of our website, and police our websites to enforce our terms of use. We do not use this information outside of the purposes we’ve stated here.

## Marketing Communications

We may deliver marketing correspondence to you about our Services. To unsubscribe from these communications, use the following link: <https://www2.orionadvisor.com/unsubscribe/u/48702>.

To manage your other marketing preferences, use the following link: [https://www2.orionadvisor.com/your-email-preferences?epc\\_hash=PokajUDpGD\\_rzKntH1dueOFIFUwlrFf3509kYS6JPkg](https://www2.orionadvisor.com/your-email-preferences?epc_hash=PokajUDpGD_rzKntH1dueOFIFUwlrFf3509kYS6JPkg).

## Notice to California Residents

The California Consumer Privacy Act (“CCPA”) provides California residents with rights to receive certain disclosures regarding the collection, use, and sharing of “Personal Information,” as well as rights to know, access, delete, and limit sharing of Personal Information. For purposes of this section, “Personal Information” has the meaning given in the CCPA but does not include information exempted from the scope of the CCPA. Due to the nature of our Services, much of the information we collect is exempt from the CCPA because it is covered by federal or state financial and/or data privacy laws.

To the extent that we collect Personal Information that is subject to the CCPA, your rights as a California resident to request access and deletion of that information are as described in this Privacy Policy and as further set forth below.

We do not sell Personal Information. However, as described in this Privacy Policy, we may share Personal Information with a third party as directed or consented to by you or your financial advisor as necessary for you to receive the benefit of such third party’s services.

As a California resident, you have the following rights listed below. However, these rights are not absolute, and in certain cases we may decline your request or comply with it in a more limited way than you anticipated, as permitted by law.

- You may request the following information about how we have collected and used your Personal Information during the past 12 months:
  - Categories of Personal Information we have collected
  - Categories of sources from which we collected Personal Information
  - The business or commercial purposes for collecting Personal Information
  - Categories of third parties with whom we share Personal Information
  - Whether we have disclosed your Personal Information for a business purpose, and if so, the categories of Personal Information received by each category of third party recipient
- You may request a copy of the Personal Information that we have collected about you during the past 12 months.
- You may request in certain circumstances that we delete Personal Information that we have collected directly from you.

- If we change our current policy and later decide to sell your Personal Information, you will have the right to opt-out prior to any such sale.
- You are entitled to exercise the rights described above free from discrimination.

In order to process a request to know about or delete Personal Information we collect or disclose, we must verify your request. We reserve the right to confirm your California residency to process your requests and will need to verify your identity to process your requests.

## “Do Not Track” Disclosure

Some internet browsers may be configured to send “Do Not Track” signals to the online services that you visit. We currently do not respond to “Do Not Track” or similar signals.

## Children

Our Services are not intended for use or view by children under 16 years of age. We do not knowingly collect personal information from children under the age of 16 nor do we sell this personal information. If we discover that we have inadvertently collected any information from a child under the age of 16, we will promptly delete it. If you are a parent or guardian and believe your child provided us with their personal information without your consent, please contact us.

## Links to Other Websites or Applications

We maintain an application programming interface (API) which maintains applications that run on our system. Some of these applications may be provided by third parties. This Privacy Policy applies to our applications only.

Our Services may also contain links to other websites, applications, and services of other entities which are separately governed by their respective privacy policies. You should review these carefully to understand their privacy practices.

## Visiting Orion’s Websites from Outside of the United States

Orion’s Services are hosted in the United States. If you are visiting Orion’s websites or utilizing our Services from outside the United States, please be aware that your information may be transferred to, stored, or processed in the United States, where Orion’s servers are located and our central database is operated.

If you are an international consumer, note that by providing your personal information, you are: (i) permitting the transfer of your personal information to the United States which may not have the same data protection laws as the country in which you reside; and (ii) permitting the use of your personal information in accordance with this Privacy Policy.

## Contact Us

To exercise your rights regarding your personal information, or if you have any questions about this Privacy Policy, please call us at our toll-free number: (800) 341-1093 or e-mail us at [privacy@orion.com](mailto:privacy@orion.com).

Our addresses can also be found using the following links below:

**Orion Advisor Solutions, Inc.** - <https://orion.com/contact/>

**Orion Advisor Technology, LLC** - <https://orionadvisorstech.com/contact/>

**Orion Portfolio Solutions, LLC** - <https://www.orionportfoliosolutions.com/contact-us/>

**Brinker Capital Investments, LLC** - <https://www.clsinvest.com/inquiries/>

**Constellation Trust Company** - <https://www.constellationtrust.com/#contact>

**Advizr, Inc.** - <https://orionadvisorstech.com/contact/>

*Orion is dedicated to resolving any issues you may have about our privacy practices. We ask that you please attempt to resolve any issues with us before lodging a complaint with any supervisory authority.*



### CONTACT US

If you have any questions about this Privacy Policy, please contact us at: (800) 341-1093 or email us at [privacy@orion.com](mailto:privacy@orion.com).