

Privacy Policy

Last modified: May 25, 2023

Ava Finance, Inc. (“Ava Finance” or the “Company”) (“Ava Finance,” the “Company,” “we,” “us” and/or “our”) is dedicated to protecting your personal information and informing you about how we use it. This privacy policy (the “Privacy Policy” or the “Policy”) is intended to provide information to our visitors and users (“you” or “your”) about how we collect, protect, share and use your information when you use the Ava Finance website, www.meetava.com, including any subdomain thereof (the “Website”), the Ava Finance mobile application (the “App”) and/or products and services offered, operated or made available by, or through, the Company (the Website, App and products and services of Ava Finance are collectively referred to as the “Services”. Reference to the Services includes any portion of the Services). Any capitalized term that is not defined in this Privacy Policy shall have the meaning given to it in the [Terms of Use](#).

This Privacy Policy outlines how and when Ava Finance collects, protects, shares, and uses information that can identify you individually (“Personal Information”), such as your name, email, or telephone number. Personal Information does not include information that is anonymous, aggregated, or can no longer be used to identify you as an individual. In addition, when you apply for or obtain a financial product or service from Ava, Ava’s Federal Privacy Notices applies to the Personal Information you provide to us related to that financial product or service.

Your use of our Website or App may include, but is not limited to, your requests for financial products or services provided by third parties, such as Evolve Bank & Trust (the “Partner Bank”). Information you provide through the Website or App to Evolve Bank & Trust, or to us when we are acting as a service provider of Evolve Bank & Trust to provide you with a financial product or service that the Partner Bank offers, will be governed by Evolve Bank & Trust’s [Financial Privacy Notice](#).

This Privacy Policy covers the privacy practices of Ava Finance only. This Policy does not apply to the practices of third-party websites, services, or applications, including Evolve Bank & Trust or other third parties with which we contract. These third-party services are governed by each such third party’s privacy policy. Ava Finance is not responsible for the privacy policies and practices of websites other than that of Ava Finance, and Ava Finance is not responsible for the failure of unaffiliated third parties to honor their privacy obligations.

1. Acceptance of Privacy Policy

By using the Website or App, you signify your acceptance of this Privacy Policy. If you do not agree to the terms of this Privacy Policy, please do not use the Website or App. Your continued use of the Website or App following the posting of changes to these terms will mean that you accept those changes.

If you breach or violate the rules, restrictions, limitations, terms, and/or conditions that apply to the Website, the App, or in connection with the Services, or otherwise communicated to you, Ava Finance may terminate, discontinue, suspend, and/or restrict your ability to access, visit, and/or use the Services, with or without notice. Ava Finance may further restrict or refuse to provide you with any future access and/or use of the Services. Finally, Ava Finance reserves the right to take any technical, legal, and/or other actions that it deems necessary and/or appropriate, with or without notice.

2. Information We Collect About You and How We Use It

We collect certain information from and about visitors and users of our Website, including:

- Information by which you may be personally identified, such as your name, social security number, phone number, and other contact details;
- Information about your internet connection, the equipment and devices you use to access our Website, the dates and times you use the Website, and other Website usage;
- Payment information you provide, such as bank or debit card account numbers;
- Commercial information, such as products and services purchased, obtained, or used, and transactional data from your financial accounts; and
- Any other information you may provide to us voluntarily through your use of our Services.

We collect this information:

- Directly from you when you provide it to us through the Website or App;
- Indirectly from you and your devices as you navigate the Website, including IP addresses, and information collected through cookies and other tracking technologies; and
- From third parties, for example, financial institutions with whom we contract to provide financial services and other non-financial institution service providers, including data aggregators such as Plaid.

2.1. Information You Provide To Us

The information we collect on or through our Website includes:

- Information you choose to provide to us when you use the Website to request or obtain our Services or otherwise interact with us, which may include your name, residential address, email address, date of birth, phone number, and income information (together, your “Personal Information”);
- Information we may request from you if you enter a contest or promotion we sponsor or when you report a problem with our Website;
- Records and copies of your correspondence with us, if you contact us; and
- Details of transactions (e.g. loan account and payment history) and search queries you may carry out through the Website and App.

2.2. Information We Collect From Our Business Partners

The information we collect through our Business Partners may include:

- Information such as your credit repayment history, open and closed accounts, credit inquiries, credit scores and other information provided by consumer reporting agencies;
- Information to verify your identity and other information you may provide us, and to manage risk; and
- Your bank information such as your bank, your account numbers, bank account credentials, and transaction information.

Other Information

- In order to help us determine if you qualify for financial products or services, we may obtain credit reports from consumer credit reporting agencies. If required by law, we will provide notice and/or obtain your consent to do so;
- To prevent fraud, verify your identity, and secure accounts, we may obtain information about your mobile service from your wireless carrier, such as your subscriber data (including mobile number, name, address, email, network status, customer type, customer role, billing type, mobile device identifiers (IMSI and IMEI) and other subscriber and device details); and
- When you voluntarily provide it to us, we may also use the information you use to login to your accounts with your financial institutions (such as the username and password you use to access your bank's website).

2.3. Cookies and Do Not Track Signals

This Website uses cookies. Cookies are text files containing small amounts of information which are downloaded to your device when you visit a website. Cookies are then sent back to the originating website on each subsequent visit, or to another website that recognizes that cookie. Cookies are useful because they allow a website to recognize a user's device. You can find more information about cookies at: www.allaboutcookies.org.

Cookies do lots of different jobs, like letting you navigate between pages efficiently, remembering your preferences, and generally improve the user experience.

Please note that we use Google Analytics cookies for data analytics purposes. You can find more information on how Google uses data from these cookies at www.google.com/policies/privacy/partners. You may choose to opt-out of Google Analytics by installing their opt-out browser add-on <https://tools.google.com/dlpage/gaoptout>.

Additionally, we use Google Optimize and Microsoft Clarity, both of which utilize cookies to provide data analytics. You may find more information about Google Optimize and their cookie practices at <https://developers.google.com/analytics/devguides/collection/analyticsjs/cookie-usage#experiments>. You may find more information about Microsoft Clarity and their cookie practices at <https://learn.microsoft.com/en-us/clarity/setup-and-installation/cookie-list>.

How to Reject Cookies

If you wish to restrict or block the cookies which are set by this Website, or indeed any other website, you can do this through your browser settings. The Help function within your browser should tell you how.

Alternatively, you may wish to visit www.allaboutcookies.org or www.networkadvertising.org which contain comprehensive information on how to do this on a wide variety of browsers. You will also find details on how to delete cookies from your computer, as well as more general information about cookies.

Please be aware that restricting cookies may have an impact on the functionality of this website.

Lastly, we use the following additional technologies:

- Flash Cookies. Certain features of our Website may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from, and on our Website. Flash cookies are not managed by the same browser settings as are used for browser cookies.

- Web Beacons. Pages of our Website and our e-mails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit the Company, for example, to count users who have visited those pages or opened an email and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).

Our Website currently does not respond to “Do Not Track” (“DNT”) signals and operates as described in this Privacy Policy whether or not a DNT signal is received. If we do so in the future, we will describe how we do so in this Privacy Policy.

2.4. How We Use Information

In general, Ava Finance uses information we collect through the Website to:

- Provide products and services you request;
- Improve our offerings to you, including to develop new products and services;
- Communicate with you or provide notices in connection with such products and services;
- Process and respond to customer inquiries and provide support;
- Detect security incidents and prevent fraud and illegal activities;
- Fulfill our legal requirements and enforce our agreements;
- Improve Website and App content, functionality, and usability;
- Communicate with you, either directly or through our service providers, including for marketing and promotional purposes;
- Improve our marketing and promotional activities; and
- For our other legitimate business purposes permitted by law.

In addition, the information collected in connection with a financial product or service may be used (as applicable) to:

- Generate your borrower profile or process your loan or account application;
- Enable payments and fund transfers with other financial institutions; and
- Communicate with you concerning your account and transactions.

2.5. Information We Share

We may disclose aggregated information about our users, and information that does not identify any individual, without restrictions.

Unless otherwise stated, we may disclose Personal Information that we collect or you provide as described in this Privacy Policy:

- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us about our Website users and/or App(s) users is among the assets transferred;
- To our Partner Bank that you request an offer of credit from or who declines to approve you for a loan when you request a loan offer;

- To our service providers, contractors, and other third parties who support our business operations;
- To fulfill the purpose for which you provide any Personal Information;
- For any other purpose we disclose when you provide any Personal Information;
- To companies that perform marketing services on our behalf or to other financial institutions with whom we have joint marketing agreements, such as lenders and loan brokers that can present financing offers relevant to you. These third-party financial institutions have agreed that they will not use or disclose your Personal Information except to effectuate the joint marketing agreement and as otherwise permitted by federal financial privacy laws. If you directly provide your Personal Information to these third parties, they may use or share it in accordance with their privacy policies; and
- With your consent.

We may also disclose Personal Information:

- To law enforcement, government officials, or other third parties when (1) we are compelled to do so by a subpoena, court order, or similar legal procedure, (2) we need to do so to comply with law, or (3) if we believe in good faith that the disclosure of your personal information is necessary to prevent physical harm or financial loss or to report suspected illegal activity;
- To enforce or apply the terms of this Privacy Policy and other agreements between you and us, including for billing and collection purposes; and
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of Ava Finance, our service providers, our customers, or others.

Ava Finance will not sell or rent any of your personal information to third parties and only shares your personal information with third parties as described above.

3. How We Protect Information

No method of transmission over the Internet or electronic storage is 100% secure; however, we care about the security of your information and take reasonable measures designed to protect your personal information from unauthorized access and use by maintaining physical, electronic, and procedural safeguards in compliance with applicable law. These measures include computer safeguards and secured files and buildings.

You are responsible for maintaining the secrecy of your unique password and account information, and for controlling access to your email communications from us at all times. However, we cannot ensure or warrant the security of any information you transmit to us or guarantee that information may not be accessed, disclosed, altered, or destroyed. By using our Website and/or Services, you agree to assume all risk in connection with the information sent to us or collected by us when you access, visit, and/or use the Service. This includes, without limitation, any personally identifiable information that you provided to Ava Finance. Ava Finance and the Partner Bank are not responsible for any loss of such information or the consequences thereof.

In the event that any information under our control is compromised as a result of a breach of security, we will take reasonable steps to investigate the situation and where appropriate, notify those individuals whose information may have been compromised and take other steps, in accordance with any applicable laws and regulations.

4. Third-Party Websites and Our Partners

This policy only applies to our website, apps, or online services. Our Services may contain links to other websites, apps or online services not operated or controlled by Ava Finance (“Third Party Websites”). The policies and procedures described here do not apply to Third Party Websites. By providing links to Third Party Websites or services we do not imply that we endorse or have reviewed such websites or services. We are not responsible for the content of any external web sites we provide links to or which link to this website, including their use of cookies. We suggest that you contact those Websites directly for information about their data practices and policies and we encourage you to read their privacy policies before providing any information to them.

Ava has partnered with various organizations whose services contribute to the core functionality of our Services to you. You will not be subject to the terms of these partners unless and until you create an account with us and affirmatively agree to their terms through the course of setting up your account. Here is a non-exhaustive list of the organizations who we have partnered with:

- Evolve Bank and Trust (“Evolve”): Our relationship with Evolve enables us to offer banking services and products. By agreeing to Ava Finance’s terms and conditions and Privacy Policy, you also agree to the Evolve Bank terms and policies linked below to the extent that you obtain any financial product or service provided by Evolve.
<https://www.getevolved.com/privacy-policy/>
<https://www.getevolved.com/disclosures/>
- Plaid Inc. (“Plaid”): you also agree to the Plaid terms and policies linked below.
<https://plaid.com/legal/>
- First Mile Group, Inc., d/b/a First Mile Group (“Alloy”): you also agree to the Alloy terms and policies linked below.
<https://alloy.co/legal/>
- ML Enterprise, Inc., d/b/a Engine by MoneyLion (“Engine”): Our joint marketing agreement with Engine enables us to display loan refinancing offers relevant to you based on what Ava knows about your finances. Engine uses the Personal Information shared by Ava only to provide you with those offers and as otherwise permitted by federal financial privacy law. If you directly provide Personal Information to Engine as part of a transaction, Engine’s privacy policy will apply to that Personal Information. You agree to Engine’s privacy policy, which can be found below.
<https://engine.tech/about/legal#privacy>
- Sila Inc. (“Sila”): you also agree to the Sila privacy policy linked below as well as the following terms.
<https://www.silamoney.com/legal/sila-privacy-policy>

Electronic Fund Transfers (“EFTs”) and Account Balances. Ava partners with financial services software company Sila Inc. (Sila) and banking services provider Evolve Bank & Trust (Evolve), member FDIC, to offer you electronic fund transfers and provide you with an Account. By registering for our platform, linking your external bank account, and authorizing any electronic payment, you authorize us to share your identity and banking information with Sila and Evolve to support your Account. You also agree to the terms

and conditions of Sila's privacy policy, <https://www.silamoney.com/legal/sila-privacy-policy>, and Evolve's privacy policy, <https://www.silamoney.com/legal/evolve-privacy-policy> (the "Partner Privacy Terms"). It is your responsibility to ensure the data you provide to us is accurate and complete, which is necessary for our partners to process electronic fund transfers on your behalf and provide you with continued access to the Account. The Partner Privacy Terms may be modified from time to time, and the governing versions are incorporated by reference as part of this Privacy Policy. IT IS YOUR RESPONSIBILITY TO READ AND UNDERSTAND THE PARTNER PRIVACY TERMS BECAUSE THEY CONTAIN TERMS AND CONDITIONS CONCERNING YOUR ACCOUNT WITH US, INCLUDING BUT NOT LIMITED TO USE OF YOUR PERSONAL INFORMATION.

California residents also have rights to the Personal Information that Sila collects about them based on the California Consumer Privacy Act and can find additional disclosures about those rights below.

<https://www.silamoney.com/legal/ccpa-rights-disclosure>

5. Children's Privacy

This Website is not intended for children or minors under the age of 18. We do not knowingly collect personal information from, or market to, children under the age of 18. If we become aware that a child under the age of 18 has provided us with personal information, we will take steps to comply with applicable legal requirements to remove such information.

6. Changes to this Policy

Ava Finance may revise this Policy from time to time without prior notice to you, and any changes will be effective immediately upon the posting of the revised Privacy Policy on the Website and the App. You should bookmark and periodically review this page to ensure that you are familiar with the most current version of this Policy. You can determine when this Policy was last revised by checking the "Last Updated" legend at the top of the Policy.

7. Questions about this Policy

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

By email at: legal@meetava.com

By physical mail at:

Ava Finance

30211 Avenida de las Banderas

Suite #220

Rancho Santa Margarita, CA 92688

Federal Privacy Notice

	WHAT DOES AVA FINANCE, INC. (“AVA FINANCE”) DO WITH YOUR PERSONAL INFORMATION?	
Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.	
What?	<p>The types of personal information we collect and share depend on the product or service you have with us. This information can include:</p> <ul style="list-style-type: none"> ▪ Social Security number and checking account information ▪ Credit history and transaction or loss history ▪ Account balances and payment history <p>When you are no longer our customer, we continue to share your information as described in this notice.</p>	
How?	All financial companies need to share customers’ personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers’ personal information; the reasons Evolve chooses to share; and whether you can limit this sharing.	
	Reasons we can share your personal information	Does Ava Finance share?
	For our everyday business purposes – such as to process your transactions, maintain your account(s), respond to court orders and legal investigations	Yes
	For our marketing purposes – to offer our products and services to you	Yes
	For joint marketing with other financial companies	Yes
	For our affiliates' everyday business purposes – information about your transactions and experiences	No
	For our affiliates to market to you	No
	For nonaffiliates to market to you	No
	Can you limit this sharing?	
		No
		No
		No
		We do not share.
		We do not share.
		We do not share.
Questions?	Contact us at legal@meetava.com	
Who we are		
Who is providing this notice?	Ava Finance, Inc.	
What we do		
How does Ava Finance protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings.	
How does Ava Finance collect my personal information?	We collect your personal information, for example, when you	

	<ul style="list-style-type: none"> ● Open an account ● Provide account information ● Pay your bills ● Apply for a loan <p>We also collect your personal information from others, such as credit bureaus or other companies.</p>
Why can't I limit all sharing?	<p>Federal law gives you the right to limit only:</p> <ul style="list-style-type: none"> ● Sharing for affiliates' everyday business purposes – information about your creditworthiness ● Affiliates from using your information to market to you ● Sharing for nonaffiliates to market to you <p>State laws and individual companies may give you additional rights to limit sharing. See “Other important information” section below.</p>
What happens when I limit sharing for an account I hold jointly with someone else?	Your choices will apply to everyone on your account.
Definitions	
Affiliates	<p>Companies related by common ownership or control. They can be financial and nonfinancial companies.</p> <ul style="list-style-type: none"> ▪ <i>AVA FINANCE, INC. DOES HAVE NOT HAVE AFFILIATES.</i>
Nonaffiliates	<p>Companies not related by common ownership or control. They can be financial and nonfinancial companies.</p> <ul style="list-style-type: none"> ▪ <i>AVA DOES NOT SHARE WITH NONAFFILIATES SO THEY CAN MARKET TO YOU.</i>
Joint marketing	<p>A formal agreement between nonaffiliated financial companies that together market financial products or services to you.</p> <ul style="list-style-type: none"> ▪ <i>OUR JOINT MARKETING PARTNERS INCLUDE FINANCIAL INSTITUTIONS SUCH AS LENDERS, LOAN BROKERS, AND LEAD GENERATORS.</i>
Other Important Information	
<p>You may have other privacy protections under applicable state laws. To the extent these state laws apply, we will comply with them when we share information about you.</p> <p>For California residents: In accordance with California law, we will not share information we collect about you with companies outside of our corporate family, except as permitted by law, including, for example, with your consent or to service your account. We will limit sharing among our companies to the extent required by California law.</p> <p>For Vermont residents: In accordance with Vermont law, we will not share information we collect about you with companies outside of our corporate family, except as permitted by law, including, for example with your consent or to</p>	

service your account. We will not share information about your creditworthiness within our corporate family except with your authorization or consent, but we may share information about our transactions or experiences with you within our corporate family without your consent.