

Updated May 26, 2023



Privacy Policy

Privacy Policy

Orion is committed to protecting and respecting your privacy. We value your trust and encourage you to take some time to read this Privacy Policy carefully. Orion encourages you to review the Privacy Policy whenever you access our Services or otherwise interact with Orion to stay informed about our data privacy practices and the choices available to you. By visiting the websites and using the Services, you agree to this Privacy Policy. If you do not agree with our policies and practices, please do not use our websites, access or utilize our Services, or provide us with your Personal Information. Orion may choose to update or revise this Privacy Policy from time to time, with or without notice to you. Any changes will be noted by updating the date at the top of the policy and, if the changes are substantial, we may provide a more prominent notice including, for certain services, an e-mail notification of Privacy Policy changes.

Scope Of This Privacy Policy

This Privacy Policy describes how Orion Advisor Solutions, Inc. and its parents, subsidiaries, and affiliates, including but not limited to, Orion Advisor Technology, LLC, Orion Portfolio Solutions, LLC (d/b/a Orion Wealth Management, Brinker Capital Investments, and Brinker Capital), Constellation Trust Company, Advizr, Inc. (d/b/a Orion Planning), Brinker Capital Securities, LLC, GxWorks, LLC (d/b/a Orion Risk Intelligence), Redtail Technology, Inc., Townsquare Capital, LLC (d/b/a Orion OCIO), and BasisCode Compliance LLC (d/b/a Orion Compliance) (collectively, "Orion" or "we" or "us" or "our") collects, uses, and shares Personal Information. This Privacy Policy applies to all the products, services, apps, portals, and websites (collectively, the "Services") offered by Orion. This Privacy Policy applies to any Personal Information provided by website visitors, customers who provides us with Personal Information in connection with the Services we provide directly to those customers, and when our portals are utilized by customers who electronically submit the Personal Information of their clients in connection with any wealth management, financial planning, and/or other financial advisory services that they provide to their clients (collectively, "you" or "your"). Please note that when our customers utilize our Services, the ownership and control of our customer's clients' Personal Information is not transferred to Orion.

Customers of Constellation Trust Company, Brinker Capital Securities, LLC, Orion Portfolio Solutions, LLC, and Townsquare Capital, LLC should review our Privacy Notice provided to you annually, pursuant to the Gramm-Leach-Bliley Act ("GLBA"). As described in our GLBA Privacy Notices, we do not share nonpublic personal information with our affiliates and non-affiliates for marketing purposes.

Information We Collect

The types of Personal Information we collect depend on the purpose for which you provide it to us. We collect Person Information in the following scenarios: (i) when you visit our websites, (ii) when you provide it directly to us (e.g., when you utilize our Services or hire one of our affiliates to provide you with investment management or technology services); (iii) when you grant us permission (e.g., such as to access your financial resources, account custodian,

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another technology service provider, or other data sources or websites with that information), (iv) in an employment capacity if you are an employee, job applicant, or contractor, or (v) when we obtain it from our customers in connection with the Services. Depending on the Service offering utilized by you, some of our companies may also obtain your 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.

“Personal Information” includes any information that we collect that, alone or in combination with other information, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with an individual. It generally means the same as the terms “personally identifiable information,” or “personal data,” or “nonpublic personal information” as defined under applicable data protection laws. Personal Information does not include publicly available information obtained from government records, or information that has been deidentified or aggregated.

We collect Personal Information that generally falls within one or more of the following categories:

- **Identifiers:** We collect name; user-defined alias or username; postal address; unique personal identifier; e-mail address; account name; username/password; Social Security number; driver’s license number; passport number; telephone number; signature; or other similar identifiers.
- **Financial and Transactional/Investment Information:** Certain Orion companies may collect financial information about you, including but not limited to, custodial or bank account number; tax returns; trust information; transactional information; account authentication details; investment information; financial goals; assets; income information; and information on transactions performed through the Services or with third parties (e.g., broker-dealers, clearing firms, investment sponsors, etc.). We may also collect this information and other information provided by our customers about and relating to their clients when we process such information on behalf of our customers.
- **Protected Classifications:** We collect information regarding your age, citizenship, marital status, or sex/gender information.
- **Professional or Employment Information:** We collect information regarding your current job history, and information about your business or profession.
- **Automatically Collected Information:** We collect information regarding how you interact with our system or our Services, including usage information such as the way representatives of our customers use our systems that we use to provide Services, the pages you view, links you click or hover over, selections you make on websites, features you use, preferences you set, other actions that you perform on our websites, the internet protocol (“IP”) address of the device you are using to access the Services, computer

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browser type, device manufacturer, operating system, domain name, and average time spent on certain website pages.

- **Inferences drawn from information:** We collect information reflecting personal preferences.
- **Sensory Information:** We collect audio or video information when you communicate with us via telephone or videoconference.

Some of the information above, such as social security numbers, is considered “sensitive personal information” under applicable law.

We collect information that is located in public records or otherwise made publicly available to us.

How We Use and Disclose Your Information

We use the Personal Information that we collect for the following purposes: (i) to provide the Services ; (ii) to personalize your experience on this website or with the Services; (iii) to improve our Services; (iv) to assist you with support requests, troubleshoot problems, or monitor the performance and effectiveness of the Services; (v) to process transactions; (vi) to administer a promotion, survey, or other Service feature; (vii) to notify you about our Services that may be of interest to you; (viii) to obtain information about your transactions and experiences; (ix) to notify you about changes to our policies; and (x) for employment and recruiting (including conducting background checks and employment eligibility verification, for interview purposes, payroll administration and employee timekeeping and benefit administration). 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 do not share our user lists or the identity of our customers or users to third parties without your consent or except as permitted by applicable law.

We disclose your Personal Information to entities for the purposes described above, as well as at your direction, with your consent, or in the following circumstances:

- **As Requested or Instructed by Our Customers.** We may share Personal Information as requested by our financial advisor, broker dealer, and/or other similarly situated customers. In those circumstances, those customers are responsible for obtaining all consents as necessary from their clients for us to share or disclose the Personal Information.
- **Parent Company and Affiliates.** We may share your Personal Information with companies under common ownership and control of Orion, including our affiliates.
- **Service Providers.** We may share your Personal Information with non-affiliated companies or individuals that we contract with in order to provide services (“Service Providers”). These services may include payment processing, providing products or services to you

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on our behalf, creating or maintaining our networks, systems, and databases, analytics, providing support, marketing Orion Services, or responding to inquiries. We may also disclose your Personal Information to our service providers for the purpose of providing you with personalized content or targeted advertisements which may be relevant or of interest to you.

- **Business Transition.** In the event that Orion or any of its affiliates go through a business transition, such as a merger, acquisition by another company, reorganization, or sale of a portion of its assets, your Personal Information may be transferred in connection with the proposed transaction. You acknowledge that such transfers occur and are permitted by and subject to this Privacy Policy.
- **Legal Obligations.** We may disclose your Personal Information if we believe in good faith that such disclosure is necessary to satisfy our legal obligations or otherwise consistent with legal requirements. This may include: (i) to comply with the law or if subject to a subpoena, court order, government request, credit bureau request, or other legal process, or if we are otherwise legally required to disclose information; (ii) to produce relevant documents or information in connection with litigation, arbitration, mediation, adjudication, government or internal investigations, or other legal or administrative proceedings; (iii) to protect the interests, rights, safety, or property of us, or any of our members, subsidiaries, affiliates, employees, users, customers, suppliers, or others; (iv) to monitor compliance with and enforce any Terms and Conditions for the websites; (v) to operate the systems that ensures the Platform functions properly; or (vi) if we believe in good faith that a disclosure is necessary, such as 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.
- **Aggregated or Deidentified Information.** We may use and disclose certain or de-identified information to our affiliates, business partners, and service providers, or through certain anonymized analytics data available through our Services to other users. We do not share deidentified data of the clients of our customers, other than to Service Providers, solely in connection with the provision of Orion Services. As used in this Privacy Policy, “deidentified” means information that cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to you.

Cookies

Cookies. How we use Cookies and other Data Technologies is described in our Cookie Policy, which is accessible here: redtailtechnology.com/cookie-policy.

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”

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or similar signals and the website will continue to collect information about you even if your browser's "Do Not Track" functionality is activated. Please note that your selection of the "Do Not Track" option provided by your browser may not have any effect on our collection of cookie information.

Notice to California Residents

Under the California Consumer Privacy Act, as amended and expanded by the California Privacy Rights Act and as implemented in appropriate regulations ("CCPA"), California residents have certain privacy rights, as provided therein. In addition, the CCPA provides certain exemptions that may apply to the Personal Information we collect from or about you, in particular information regulated by the Gramm-Leach-Bliley Act of 1999, the California Financial Information Privacy Act, the Health Insurance Portability and Accountability Act of 1996, and the California Confidentiality of Medical Information Act.

To the extent that we collect Personal Information that does not fall under an enumerated exemption to the CCPA, and subject to any applicable instructions of our financial advisor, broker dealer, and/or other similarly situated customers, your rights as a California resident to request to know, access, and delete Personal Information are set forth below. To exercise these rights, please use one of the outreach methods listed in the "Contact Us" section below. If we process your Personal Information on behalf of our financial advisor, broker dealer, and/or other similarly situated customers, we will consult with that customer to assist them in responding to your request to the extent such Personal Information is unavailable to the customer.

- **The right to know.** You may request the following information about how we have collected and used your Personal Information during the past 12 months: (i) the specific pieces of Personal Information we have about you; (ii) the categories of Personal Information we have collected about you in the last 12 months; (iii) the categories of sources from which that Personal Information was collected; (iv) the purpose for collecting and selling your Personal Information; (v) the categories of your Personal Information that we sold or disclosed for a business purpose.
- **The right to deletion.** You have the right to request that we delete the Personal Information that we have collected or maintain about you. We may deny your request under certain circumstances, such as if we need to retain the information to comply with our legal obligations or complete a transaction for which your Personal Information was collected. If we deny your request for deletion, we will let you know the reason why.
- **The right to correct.** You have the right to request that we correct any inaccurate information that we maintain about you. Orion will use commercially reasonable effort to correct the inaccurate Personal Information.
- **The right to limit the use and disclosure of sensitive personal information.** As described above, some of the information we collect may be considered sensitive personal

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information. You have the right to request that we limit the use and disclosure of your sensitive personal information to that use which is necessary to provide you with Services you have requested and for certain other limited purposes as provided for under the CCPA.

Request Verification and Response. We will take steps to verify your identity before processing your request. We will not fulfill your request unless you have provided sufficient information for us to reasonably verify you are the individual about whom we collected Personal Information. If you are a customer, we will use our existing account authentication practices to verify your request. If you do not have an account with us, we may request additional information about you. We will only use the Personal Information provided in the verification process to verify your identity or authority to make a request and to track and document request responses, unless you initially provided the information for another purpose. We will confirm our receipt of a verifiable consumer request within ten (10) business days and respond to a verifiable consumer request within forty-five (45) days of receipt. If we need more time to respond, we will provide written notification to you, including our reason for the need for an extension and respond to your request no later than ninety (90) days after receipt. If we cannot verify your identity to comply with a request, we will explain the reason in our communication to you.

Authorized Agent. You may use an authorized agent to submit a request. When we verify your agent's request, we may verify both your and your agent's identity and request a signed document from you that authorizes your agent to make the request on your behalf. To protect your Personal Information, we reserve the right to deny a request from an agent that does not submit proof that they have been authorized by you to act on their behalf.

Non-Discrimination. If you choose to exercise any of these rights, Orion will not discriminate against you in any way. If you exercise certain rights, please be advised that you may be unable to use or access certain features of Orion's Services.

Sale or Sharing of Personal Information. Orion does not "sell" Personal Information, as that term is defined in the CCPA; however, we may "share" certain Personal Information with our partners to provide you with personalized content or targeted advertisements which may be relevant or of interest to you. You have a right to opt out of such sharing under CCPA, and may do so by clicking here, redtailtechnology.com/opt-out/, or by reaching out using one of the outreach methods listed in the "Contact Us" section below. We do not knowingly sell or share any information of any individuals younger than 16 – for more information, see the "Children's Information" section, below. Note that we do disclose Personal Information to third parties as directed or consented to by you or as directed by your financial advisor as necessary for you to receive the benefit of such third party's services, and that such disclosures are not subject to this right to opt out.

Other California Privacy Rights. Under California's "Shine the Light" law (California Civil Code Section 1798.83), California residents are entitled to request and obtain from Orion once per calendar year information about when we share your Personal Information with third parties for

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those third parties' own direct marketing purposes. To request this information, please email us at the address indicated below in the Contact Us section, and note "California Shine the Light" in the subject line.

Notice to Virginia Residents

Under the Virginia Consumer Data Protection Act ("VCDPA"), Virginia residents have rights with respect to the collection, use, and disclosure of their Personal Information. To the extent that we collect Personal Information that does not otherwise fall under an enumerated exemption to the VCDPA, your rights as a Virginia resident to request to know, correct, and delete Personal Information are set forth below.

- **The right to know.** You may request to know, access, and receive a copy of the Personal Information that we collect about you in a readily transferable format.
- **The right to deletion.** In certain circumstances, you have the right to request that we delete the Personal Information that we have collected or maintain about you. We may deny your request under certain circumstances, such as if we need to comply with our legal obligations or complete a transaction for which your Personal Information was collected. If we deny your request for deletion, we will let you know the reason why.
- **The right to correct.** In certain circumstances, you have the right to request that we correct any inaccurate information that we maintain about you.
- **The right to opt-out.** You have the right to opt out of targeted advertising or sale of your Personal Information, as such terms are defined under the VCDPA.

We will take steps to verify your identity before processing your request to know, correct, or delete your Personal Information. We will not fulfill your request unless you have provided sufficient information for us to reasonably verify you are the individual about whom we collected Personal Information. To exercise your rights under the VCDPA, please contact us at one of the methods listed below. If you would like to exercise your right to opt out of the sale of your Personal Information, you may click here, redtailtechnology.com/opt-out/, or visit the "Do Not Sell or Share My Personal Information" link on our website. If we process your Personal Information on behalf of a financial advisor, broker dealer, and/or other similarly situated customer, we will consult with that customer to assist them in responding to your request to the extent such Personal Information is unavailable to the customer.

Notice to Residents of the European Economic Area ("EEA"), Switzerland, and the United Kingdom ("UK")

Certain Orion affiliates may collect, process and retain the data of residents of the EEA,

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Switzerland, or the UK in order to provide Services to its customers. As such, we are required to comply with the GDPR, UK GDPR, and applicable local laws with regard to certain Personal Information we collect on behalf of our data controller customers, who determine how and why the Personal Information submitted to us is processed. For such Personal Information and based on how those Services are provided, Orion's affiliates operating in or processing Personal Information from residents of the EEA, Switzerland, and UK is considered the data processor of the Personal Information.

Data Subject Rights. If you are a resident of the EEA, Switzerland, or the UK, you have rights to access, correction, deletion, portability, restrict or object to processing, and to lodge a complaint with a supervisory authority. You can submit these requests by email or reaching out using one of the outreach methods listed in the "Contact Us" section below. We may request specific information from you to help us confirm your identity prior to processing your request. Applicable law may require or permit us to decline your request. If we decline your request, we will tell you why, subject to legal restrictions. Please note that if you decide to exercise some of your rights, we may be unable to perform the actions necessary to achieve the purposes set out above or you may not be able to use or take full advantage of the services we offer.

Special Categories of Personal Information. Orion does not knowingly collect Special Categories of Person Information, which includes information about your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, and data concerning health, sex life, and sexual orientation.

Data Transfers. Our Services are based, controlled, operated, and administered by us in the United States, where Orion's servers are located. The laws of the United States may not have the same data protection laws as the jurisdiction in which you reside. 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 and by using our websites, you authorize the transfer to and processing of your Personal Information 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 pursuant to 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.

Notice to Australian Residents

If you are a resident of Australia, you have rights under the Privacy Act of 1988 and the Australian Privacy Principles ("APPs") to access, correct or delete your Personal Information where reasonably practicable. If you wish to exercise any of these rights, please contact us using the information provided below. We may request specific information from you to confirm

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your identity prior to processing your request. Please note that your Personal Information will be transferred outside of Australia and is subject to the laws of the receiving jurisdiction, including laws relating to disclosure of Personal Information. If we do not agree with a request to correct your Personal Information, we will give you notice in writing as to our reasons and the mechanisms available to you to appeal our decision.

Data Retention

We retain Personal Information for as long as reasonably necessary for the purposes for which it was collected and the specific business purpose outlined in this Privacy Policy. As a result, Orion retains Personal Information for as long as required based on applicable legal and regulatory requirements, the administrative and operational requirements of Orion's businesses, and for the purposes for which we collected it. In some circumstances, we may store Personal Information for longer periods of time as necessary to comply with regulatory, tax, accounting, or legal requirements.

Data Security

Orion maintains administrative, technical, and physical safeguards reasonably designed to guard Personal Information that has been provided to us from loss, misuse or unauthorized access, disclosure, alteration, or destruction. Orion utilizes commercially reasonable measures that comply with applicable laws and industry standards to secure and protect information transmitted via or stored through our Services. Nevertheless, no security system is entirely secure. As a result, while we strive to protect your information, we cannot guarantee or warrant the security of any information you transmit to our website.

Children's Information

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. 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.

Third Party Websites or Applications

We maintain an application programming interface (API) which enables third party applications to communicate and share information back and forth with our system, as authorized by our

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clients in connection with the provision of our Services. These applications may be provided by third parties. This Privacy Policy applies to our applications only. Our Services may also include links to other websites or applications which are separately governed by their respective privacy policies. You should review the privacy policies of the other websites or applications carefully to understand their privacy practices.

Marketing Communications

We may email marketing correspondence to you about our Services. To unsubscribe from these communications, use the following link: <https://www2.orionadvisor.com/unsubscribeConfirm/48702>. To manage your other marketing preferences, use the following link: https://ww2.orion.com/your-email-preferences?epc_hash=NXt-izd4HdY_FLZswKtmjNF5di6ool9vdX3xbKGPGzo.

Contact Us

Orion is dedicated to resolving any issues you may have about our privacy practices. To exercise your rights regarding your Personal Information, or if you have any questions or complaints regarding this Privacy Policy, please e-mail us at privacy@orion.com or submit your question or complaint at <https://orion.com/privacy-inquiry/>. In the subject line of your email, please indicate the purpose of your communication so that we can properly route your communication to the appropriate party.

