



## NATIONAL UNDERWRITING COMMUNICATION

NA-2021-005

**FROM:** Corporate Underwriting Department

**DATE:** March 4, 2021

**TYPE:** Standard

**TITLE:** Revised Privacy Notice

---

Effective January 1, 2021, First American Title has updated its Privacy Notice to address recently enacted state law requirements, including requirements in the California Consumer Privacy Act of 2018 (“CCPA”) (Cal. Civ. Code § 1798.100, *et seq.*). The new Privacy Notice is attached.

The CCPA went into effect January 1, 2020, and impacts how covered businesses collect, use, retain, disclose, or share the information of **California residents, even if the transaction does not involve California real estate and does not take place in California**. In addition, the attached Privacy Notice addresses anticipated changes in other states’ laws. We have already provided the major title production and closing software providers with our new Privacy Notice form and have updated our internal systems and processes.

This change to our Privacy Notice provides an opportunity to remind you of your obligation to provide First American’s Privacy Notice to the proposed insured(s) at or before closing as required under the Gramm-Leach-Bliley Act (Financial Services Modernization Act), Title V, Subtitle A, 15 U.S.C. § 6801, *et seq.* and the related regulations promulgated by the Federal Trade Commission (collectively the “GLB Act”). We ask that you provide the Privacy Notice attached hereto to the proposed insured(s) in all future transactions in which a title insurance commitment or title insurance policy of First American will be issued. Both the activities of First American as an underwriter providing a title insurance policy and the activities of First American’s policy issuing agents (“Agents”) providing settlement services create the requirement to provide a Privacy Notice under the GLB Act. Therefore, Agents should deliver a separate privacy notice to the buyer, seller and/or borrower relating to the settlement service the Agents provide, as First American and its Agents are not “affiliates” under the GLB Act definitions and one privacy notice will not cover both entities.

While delivery of First American’s Privacy Notice is necessary, there is no requirement that the recipient sign the Privacy Notice or a receipt form. The Privacy Notice may be given to the attorney for an individual with an instruction to deliver it to his or her client, as the GLB Act allows for methods of delivery in which a customer can reasonably be expected to receive the actual notice in writing.

It is important to note that the requirement of a Privacy Notice only relates to individuals and to residential transactions. It is therefore not necessary to give a Privacy Notice to lending institutions, although it is necessary to give a First American Privacy Notice to a proposed insured individual who is making a loan on residential property. Furthermore, it is important that we provide the First American Privacy Notice as early as practicable to the proposed insured(s), which should be when you first contact the proposed insured to collect information for the transaction.

You will note that the attached Privacy Notice states that First American will not distribute information to non-affiliated third parties except as required by law or as necessary to provide the services requested of us. We appreciate your cooperation in complying with this policy.

While the attached Privacy Notice can be useful as a guide, it is First American's recommendation that Agents seek legal counsel to determine what steps are necessary to comply with the GLB Act. This communication is not legal advice. It is your independent responsibility to become familiar with and follow the CCPA and GLB Act requirements relating to your collection, use, retention, disclosure, and sharing of information.

If you have questions or concerns, please contact your First American representative.

---

NOTE: This Underwriting Communication is confidential and intended solely for use by First American Title Insurance Company's ("First American") title issuing offices, policy issuing agents ("Agents"), and approved attorneys. This Communication may not be shared with third parties and no other person or entity is authorized to rely upon it. While the scope of agency for Agents is limited to the functions of underwriting and issuing title insurance policies on First American's behalf, and does not include closing or escrow services, First American sometimes provides information and recommendations with regard to Agents' ancillary closing or escrow business as a courtesy. Moreover, this Communication should be considered a directive if noncompliance could impact liability under First American's title insurance policies or closing protection letters. This Communication is being provided to Agents with those considerations in mind and should become a permanent part of your records to assure compliance with the requirements set forth herein.

First American routinely issues Underwriting Communications through the Underwriting Workbench, AgentNet®, and other means. Communications are typically classified as one of the following types: Standard, Guideline, Advisory, Caveat, Fraud Alert, or Transaction Alert. Generally, Standards establish mandatory procedures and protocols that must be followed when issuing a First American policy; Guidelines establish best practices that are encouraged, but not required; and Advisories simply provide information. Caveats, Fraud Alerts, and Transaction Alerts generally provide information and instructions related to specific parties, properties, or other matters.

First American makes no express or implied warranty respecting the information presented and assumes no responsibility for errors or omissions. First American, the eagle logo, First American Title, and firstam.com are registered trademarks or trademarks of First American Financial Corporation and/or its affiliates. ©2021 First American Financial Corporation and/or its affiliates. All rights reserved. ▼ NYSE: FAF

---



## Privacy Notice

**Effective:** October 1, 2019

**Notice Last Updated:** January 1, 2021

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as “First American,” “we,” “us,” or “our”) collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties, when you interact with us and/or use and access our services and products (“Products”). For more information about our privacy practices, including our online practices, please visit <https://www.firstam.com/privacy-policy/>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

**What Type Of Information Do We Collect About You?** We collect a variety of categories of information about you. To learn more about the categories of information we collect, please visit <https://www.firstam.com/privacy-policy/>.

**How Do We Collect Your Information?** We collect your information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

**How Do We Use Your Information?** We may use your information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. To learn more about how we may use your information, please visit <https://www.firstam.com/privacy-policy/>.

**How Do We Share Your Information?** We do not sell your personal information. We only share your information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. To learn more about how we share your information, please visit <https://www.firstam.com/privacy-policy/>.

**How Do We Store and Protect Your Information?** The security of your information is important to us. That is why we take commercially reasonable steps to make sure your information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your information.

**How Long Do We Keep Your Information?** We keep your information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

**Your Choices** We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your information. You can learn more about your choices by visiting <https://www.firstam.com/privacy-policy/>.

**International Jurisdictions:** Our Products are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

**Contact Us** [dataprivacy@firstam.com](mailto:dataprivacy@firstam.com) or toll free at 1-866-718-0097.



### **For California Residents**

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

**Right to Know.** You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure; (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at [www.firstam.com/privacy-policy](https://www.firstam.com/privacy-policy) to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at [www.firstam.com/privacy-policy](https://www.firstam.com/privacy-policy) to submit your request or by calling toll-free at 1-866-718-0097

**Right of Deletion.** You also have a right to request that we delete the **personal information** we have collected from and about you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at [www.firstam.com/privacy-policy](https://www.firstam.com/privacy-policy) to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at [www.firstam.com/privacy-policy](https://www.firstam.com/privacy-policy) to submit your request or by calling toll-free at 1-866-718-0097.

**Verification Process.** For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

**Notice of Sale.** We do not sell California resident information, nor have we sold California resident information in the past 12 months. We have no actual knowledge of selling the information of minors under the age of 16.

**Right of Non-Discrimination.** You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

**Notice of Collection.** To learn more about the categories of **personal information** we have collected about California residents over the last 12 months, please see "What Information Do We Collect About You" in <https://www.firstam.com/privacy-policy>. To learn about the sources from which we have collected that information, the business and commercial purpose for its collection, and the categories of third parties with whom we have shared that information, please see "How Do We Collect Your Information", "How Do We Use Your Information", and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.

**Notice of Sale.** We have not sold the **personal information** of California residents in the past 12 months.

**Notice of Disclosure.** To learn more about the categories of **personal information** we may have disclosed about California residents in the past 12 months, please see "How Do We Use Your Information" and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.