



## **COLORADO 811 PRIVACY STATEMENT**

### **Effective Date October 21, 2020**

This statement explains how we collect, use, share, and protect your personal information. Personal information is any information relating to an identified or identifiable person. Your name, address, phone number, email address, and IP address are examples of personal information.

Colorado 811 will process your personal information in a transparent and lawful way. Any personal information you provide when using this website or contact us to request a service and will be used in accordance with this privacy statement.

We may change this statement from time to time to reflect privacy or security updates. If we make material changes, we will notify you via the email address you have provided, or by means of a notice on this website prior to the change becoming effective. We encourage you to periodically review this page for the latest information on our privacy practices.

### **Contact Us**

If you have any questions about this statement or if you would like to exercise any rights you may have in relation to your personal information, please contact us at [co811data@co811.org](mailto:co811data@co811.org). If you have additional questions or need to escalate an issue, use the below details:

Colorado 811

Postal address: 16361 Table Mountain Pkwy, Golden, CO 80403, USA

Telephone number: 303-232-1991

Toll Free: 800-833-9417

You have the right to make a complaint at any time to the relevant privacy authority in the state of Colorado. We would, however, appreciate the chance to deal with your concerns before you approach the state of Colorado data, privacy & security entity so please contact us in the first instance.

### **Personal Information Colorado 811 Collects, and for What Purpose**

As part of providing our services or marketing efforts related to underground safety notifications, we may collect your personal information such as your name or a secondary contact name, home or resident or business address, e-mail address and phone number. This information is generally gathered directly from you through forms on our website, or over the phone and is used to communicate and personalizes such communications with you.

Information about your chosen subscriptions are used to better provide you with relevant e-mail content. We also gather certain information automatically upon your visit to our website, including Internet protocol (IP) addresses, browser type, Internet service provider (ISP), referring/exit pages, the files viewed on our site and e-mails (e.g., HTML pages, graphics, etc.), operating system, date/time stamp, and/or clickstream information to analyze trends in the aggregate and administer the site. Your IP address may also be utilized to infer your location, which we may use from time to time to send you more relevant content.

### **Basis of Collecting and Processing Information**

We will use your personal information when the law allows us to support damage prevention and safety. Most commonly, for the provisioning of services, and we may process your personal information in the following circumstances:

- Where you consent; or
- Where it is necessary for our legitimate interests (i.e. we have a business or commercial reason for using your information) and your fundamental rights do not override those interests.



Our legal interests may include:

- Providing high-quality customer service.
- Complying with laws or regulations that apply to us.
- Developing our services, and what we charge for them.
- Seeking your consent when we need it to contact you.
- Providing our customers with high-quality service features.
- Keeping our marketing updated and relevant.

#### Failure to Provide Personal Information

Where we need to collect personal information by law or under the terms of a contract or service we have with you, and you fail to provide that information when requested, we may not be able to perform the contract or service we have or are trying to enter into with you (for example, to provide you with utility location services).

#### Profiling

We will not use your personal information for decisions based solely on automated processing if the decision has legal effects concerning you or if it significantly affects you, unless you gave your explicit consent for this processing.

#### Sharing Your Personal Information with Third Parties

Except as described here or in any of our other applicable privacy policies, we will not sell, distribute, lease, or provide any of your personal information to any third parties unless we have your permission to do so or are required by law. We share your personal information with the following categories of recipients:

- Members, subcontractors and excavators. We may disclose your personal information with our members or subcontractors for the purposes identified above. In these cases, the agent or subcontractor will be obligated to use that personal information in accordance with the terms of this privacy statement. Your information may be shared with these types of members and subcontractors:
- Companies, municipalities, individuals, who own and/or operate underground utilities or underground facilities, and subcontracted service providers including locate service providers and excavators
- Customer Relationship Management (CRM) service provider
- Marketing and analytics providers
- Webinar service providers
- Third parties as permitted or required by law. This may include disclosing your personal information to regulators, or law enforcement authorities including the Colorado Underground Damage Prevention Safety Commission. We may transfer and disclose the information we collect about you to comply with a legal obligation, including responding to a court order, to prevent fraud, to comply with an inquiry by a government agency or other regulator, to address security or technical issues, to respond to an emergency, or as necessary for other legal purposes.
- As part of a business transaction. In relation to an ongoing or proposed business transaction such as a transfer of the ownership or operation of Colorado 811 or any companies in its group to another organization, if we merge with or are acquired by another organization, or if we liquidate our assets, your personal information may be transferred to a successor organization. If such a transfer occurs, the successor organization's use of your information will still be subject to this statement and the privacy preferences you have expressed to us.

#### Security



We are committed to ensuring that your personal information is secure. To prevent unauthorized access or disclosure, we have appropriate technical and organizational measures to safeguard and secure your personal information.

If an information breach does occur, we will do everything in our power to limit unauthorized use. In case of a high-risk information breach, and depending on the circumstances, we will inform you about remedial actions to prevent any further misuse. We will also notify the relevant authority or authorities of the breach.

Unfortunately, no security measures are completely secure. Therefore, we cannot guarantee that your personal information will not be disclosed, misused, or lost by accident or by the unauthorized acts of others. Further, we cannot control the dissemination of personal information you post in the public domain, and you should have no expectation of privacy in respect of such information.

Employees and temporary workers must follow policies and procedures and complete confidentiality training to understand the requirement of maintaining the confidentiality of personal information. If they fail to do so, they are subject to disciplinary action.

#### Information Retention

How long we retain your data depends on the type of information and the purpose for which we process your personal information. Your personal information will not be retained for a period longer than necessary for the processing purposes, plus any statutory period during which we need to retain the information to resolve any legal claims.

Personal information processed for providing services related to the marking of underground utility facilities and for marketing purposes will be retained for as long as you remain a member. However, certain personal information related to your account will be retained for up to four years after you cease being a member. If you have subscribed to receive marketing information from Colorado 811 but have ceased engaging with Colorado 811 emails or offered content, your personal information will be erased after four years of non-engagement. Please note that it may not always be possible to completely remove or delete all your personal information from our databases without residual information because of backups and other reasons.

#### Individual Rights

To exercise any of the following rights, please contact [co811data@co811.org](mailto:co811data@co811.org) If you need to escalate a matter or feel that your issue is unresolved, please contact [it-dept@co811.org](mailto:it-dept@co811.org).

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal information (or to exercise any of your other rights). This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

**Right to Request Access:** You have the right to request details of your personal information that we hold. Upon request, we will provide a copy of such personal information within a reasonable timeframe.

**Right to Rectification:** If you believe that any personal information, we are holding on you is incorrect or incomplete, please contact us as soon as possible at the address above. We will promptly correct any personal information found to be incorrect, though we may need to verify the accuracy of the new information you provide to us.

#### Right to Erasure

To the extent legally permissible, you may be entitled to have certain personal information erased in the following circumstances:



1. The personal information is no longer necessary in relation to the purposes for which it was collected or processed.
2. You object to the collection or use of your personal information, and there are no overriding legitimate grounds for the processing of your data.
3. The personal information has been unlawfully processed.
4. The personal information has reached the defined retention period or for compliance with a legal obligation to which Colorado 811 is subject.

You can exercise this right by emailing us at [co811data@co811.org](mailto:co811data@co811.org). Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons, which will be notified to you, if applicable, at the time of your request.

#### Right to Restriction of Processing

You may have the right to restrict further processing of your personal information in the following situations:

1. You contest the accuracy of the personal information.
2. The processing of the information is unlawful.
3. The personal information has reached the defined retention period, but you require the personal information to establish, exercise or defend legal claims.
4. You object to the processing of information pursuant to the right to object as described above. The processing may be restricted, pending the verification of whether Colorado 811 legitimate grounds override your rights.

#### Right to Portability

You have the right to receive your personal information in a structured, commonly used and machine-readable format. Colorado 811 will assist in transmitting such information to another entity, upon request, to the extent technically feasible. Note that this right only applies to automated information which you initially provided consent for us to use, or where we need the information to perform a contract or service with you.

#### Right to Revoke Consent

If you have contacted us for purposes of obtaining locate services, you have consented to the processing of your personal information as we are required by the Notification Law to obtain and retain information necessary for us to process a notification. You may revoke such consent by contacting us and unsubscribing from all emails from us. However, if you withdraw your consent, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you revoke consent, we may no longer be able to provide you with services related to the identification of underground utility facilities.

#### Colorado 811

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Telephone number: 303-232-1991

Toll Free: 800-833-9417

#### Children's Privacy

Policy Version No: 2

Date: March 18, 2021

Reference number: 2036



This Site is not intended for or directed to persons under the age of 13. Any person who provides their information to Colorado 811, and who the company subsequently finds out is under 13, will have all such data removed. Any persons submitting data to Colorado 811 on this site represents that they are 13 years of age or older.

#### Changes

If we change this Privacy Statement, we will post those changes here and revise the Effective Date accordingly.