

**MCMULLIN AREA GROUNDWATER
SUSTAINABILITY AGENCY
WEBSITE PRIVACY POLICY**

POLICY NO. 2020 - 03

DATE ADOPTED: June 3, 2020

1.0 Purpose

The purpose of this Website Privacy Policy (“Policy”) is to establish website data and privacy guidelines for the website operated by the McMullin Area Groundwater Sustainability Agency (“MAGSA”).

2.0 Scope

This Policy applies to MAGSA’s website: (<https://www.mcmullinarea.org/>) (the “Website”) and all data and information collected by MAGSA for or by the Website.

3.0 Website Disclosures

This Policy requires the disclosure of the privacy practices for the Website, which will provide public notification on the Website regarding the following:

- a. What personally identifiable information is collected through the Website, how it is used, and whether and how it is shared.
- b. What choices are available to the public regarding the use of data collected by the Website.
- c. The security procedures in place to protect the misuse of information collected.
- d. How members of the public may correct any inaccuracies in the information collected.

4.0 Information Collection, Use, and Sharing

MAGSA is the sole owner of the information collected on its Website. MAGSA, and its public outreach partner, King River Conservation District (“KRCD”), only have access to or the ability to collect information voluntarily provided by members of the public to MAGSA or its Website via email or other direct contact. MAGSA and/or KRCD will not sell or rent information accessible to or collected by MAGSA through use of its Website to anyone.

MAGSA may use information or data collected by it through its Website to respond to any direct contact from the public. MAGSA will not share any information with a third party, other than with KRCD for public outreach purposes, or as necessary to fulfill any specific request made through the Website, or as required by law.

a. What Information is Collected and How it is Collected by MAGSA’s Website

A Website user (“user”) may provide his/her personal information to MAGSA when it contacts MAGSA by phone, email, via the Website or any other way in order to contact MAGSA with inquiries or request information, respond to surveys or polls, participate in any promotions or to otherwise access MAGSA’s services. This information may include:

- Identifying Information. MAGSA may collect identifying information, such as first and last name, unique personal identifier, online identifier, mailing address, email address and/or telephone number, including mobile phone numbers.
- Event Information. MAGSA may collect specific information such as name, date and mailing address associated with any MAGSA events.
- Information Posted. MAGSA may collect information posted in a public space, on its Website, or related to MAGSA's business.
- Social Media Information. MAGSA may collect information posted on its social media pages (e.g., public LinkedIn or Twitter accounts), including social media profile information. It is MAGSA's position, and it acknowledges, that personal information voluntarily disclosed online (e.g., a publicly available forum via social media) is able to be viewed and used by others, including MAGSA.
- Information and/or Data Submitted. MAGSA may collect information and/or data when contacted by members of the public through features such as the "Contact Us" feature on MAGSA's website or MAGSA's social media platforms. To the extent reasonably possible, it is MAGSA's policy to provide privacy options when contacted prior to collecting and utilizing such information and data. Members of the public may also provide marketing and communications data to MAGSA, including preferences for receiving email or mail alerts and/or promotional materials from MAGSA.
- Device Information: MAGSA may collect information related to the type of device members of the public use to access MAGSA's Website or social media platforms. This information may include the device identification number, Internet Protocol (IP) address, or mobile operating system.
- Commercial Information: MAGSA may collect commercial information (e.g., information about the user products or services purchased, obtained or considered), as well as other user purchasing or consuming histories or tendencies.
- Internet or Other Network Activity Information: MAGSA may collect information related to user web-browsing history and other information regarding the public's interactions with MAGSA's Website, social media platforms, and/or advertisements, marketing, or other notices and communications.
- Information Collected Automatically and Use of Cookies: Certain non-personally identifiable information about visitors to MAGSA's website and other media platforms is collected by the standard operation of MAGSA's internet services and through the use of "Cookies". See Section 5.0 of this Policy for more information on MAGSA's Cookies policy, and the types of Cookies MAGSA uses and how members of the public may manage Cookies preferences.
 - Note: MAGSA will include a link on its Website that will take the user to a separate page describing MAGSA's collection of information and use of Cookies, also detailed in Section 5.0 of this Policy.

5.0 Use of Cookies

To the extent that the Website uses Cookies, it is the Policy of MAGSA that the main screen of its Website contain a standard pop-up window entitled “Use of Cookies” and containing the following information:

“By clicking on the ‘Accept all Cookies’ button, you agree to the storing of cookies on your device to enhance site navigation and experience and to assist in MAGSA’s public outreach and marketing efforts.”

This pup-up window will contain an “Accept All Cookies” option and a “Learn More” option. The “Learn More” option should take the user to a separate webpage outlining MAGSA’s use of Cookies, if any, as described below.

a. Automatic Collection of Information, Use of Cookies and Online Analytics

It is MAGSA’s Policy that its Website shall contain the following information in a separate webpage, linked from the Website and describing MAGSA’s use of Cookies, if any:

“Information We Collect Automatically, Use of Cookies and Online Analytics”

“Cookies” are small amounts of data that are sent to a person’s browser from a web server and stored in the computer’s hard drive or other devices for the purpose of facilitating and enhancing the user’s communication and interaction with MAGSA’s services and to assist MAGSA with marketing efforts. To support MAGSA’s services, MAGSA or its consultants or service providers may use one or more of the following browser cookies for the purposes set forth below. A user has the option to disable cookies by accessing the tools to be provided in the user’s Internet options. However, please note that a user’s access to all of MAGSA’s services if the cookies settings are changed or disabled.

i. Analytics and Performance Cookies: These cookies are used to collect information about online traffic to MAGSA’s Website and other media platforms and tracks how users utilize MAGSA’s services or otherwise interact with MAGSA’s online content. The information gathered includes the number of visitors to MAGSA’s Website and/or other media platforms, the websites that may refer or suggest users to MAGSA’s Website and/or other platforms, the pages users visit on MAGSA’s Website and/or other platforms, the time of day the user visited MAGSA’s Website and/or other platforms, whether the user has visited MAGSA’s Website and/or other platforms before, and other similar information. This information is aggregated and does not personally identify any individual users. MAGSA uses this information to help improve how its Website and other platforms work and to gather demographic information to help MAGSA improve its services, promotional and media materials.

ii. Essential Cookies: These cookies are essential to provide users with MAGSA’s services and enable use of some of MAGSA’s Website features. For example, they allow users to log in to secure areas of our services and help the requested content to

load quickly. Without these cookies, the functionality the user requested may not be provided, and MAGSA only uses these cookies to provide the user with this functionality.

iii. Functionality Cookies: These cookies allow MAGSA's services to remember the choices users make when using MAGSA's services, such as remembering login details. These cookies are used to provide users with a more personal experience and avoid users having to re-enter user preference upon each visit to MAGSA's Website.

iv. Social Media Cookies: These cookies are used when users share information using a social media sharing button on MAGSA's Website or social media platforms, and when users engage with MAGSA's content through a social media networking website such as Twitter or LinkedIn.

v. Targeting Cookies: These cookies are used to deliver relevant ads, track email or other marketing performance and efficiency. For example, MAGSA and its consultants and partners rely in part on information gleaned through these cookies to serve users with marketing that may be of interest or to otherwise assist with MAGSA's marketing behavior or efforts. MAGSA's consultants or partners may also place cookies or other tracking technologies on user's electronic device to collect information about users.

MAGSA neither has access to, nor does this Policy govern, the use of cookies or other tracking technologies that may be placed on user's devices used to access MAGSA's Website by non-affiliated third parties.

6.0 Use of Information MAGSA Obtains

It is MAGSA's Policy that it and its consultants and/or partners may use the information it obtains about its Website or social media users to:

- a. Provide MAGSA's services, including but not limited to the implementation of its Groundwater Sustainability Plan ("GSP"), and general sustainable groundwater management in compliance with the SGMA.
- b. Improve the content of MAGSA's Website and other social media platforms to enhance user's experience and to offer the most up-to-date and transparent information to the public about MAGSA's business.
- c. Communicate with our landowners and/or the public about MAGSA's business and to respond to user inquiries.
- d. Send correspondence (including, for example, emails on behalf of MAGSA and/or our consultants or partners that provide complementary information about MAGSA's business and services).
- e. Analyze trends and statistics.
- f. Operate, evaluate, develop, manage and improve MAGSA's website, public outreach, and transparency generally.

- g. Maintain and enhance the safety and security of MAGSA's website, communication, public outreach and services and prevent misinformation.
- h. Check compliance, comply with and enforce applicable MAGSA regulations, ordinances, local, state and federal legal requirements, relevant industry standards or policies; and
- i. Otherwise manage and enhance MAGSA's Website, communication, public outreach, and services or as otherwise permitted by law or as MAGSA may notify.

7.0 MAGSA Does Not Share Personal Information

It is MAGSA's Policy not to disclose users' personal information except as described herein. MAGSA may share information in the following ways:

- a. Internally: MAGSA may share user information within MAGSA for use by staff, employees, or consultants.
- b. On MAGSA Platforms: MAGSA, for example, may display information publicly posted or shared on MAGSA's question and answer section of our Website, or as a user review.
- c. MAGSA Consultants or Partners: MAGSA may share user information with third parties who consult MAGSA or perform services, send emails, providing marketing assistance, data analysis, or search results on MAGSA's behalf. For example, third parties under this category may include but is not limited to Water Management Professionals, Inc., Provost & Pritchard, and KRCD. MAGSA does not authorize any service providers to use or disclose user personal information except as necessary to perform services on MAGSA's behalf and/or to comply with legal requirements.
- d. For Marketing Purposes: This may include third parties who provide complementary marketing services for MAGSA.
- e. To Comply With the Law or to Protect MAGSA's and its Landowners' Interests: MAGSA may also disclose personal information about users: (1) only to the extent and only if required to do so by law or legal process (such as by specific court order or subpoena); (2) in response to written requests by government agencies, such as law enforcement authorities, as required by law; (3) to establish, exercise, or defend MAGSA's legal rights, or on behalf of MAGSA's landowners; (4) When MAGSA determines disclosure is necessary or appropriate to prevent physical harm or financial loss; (5) in connection with an investigation of suspected or actual illegal activity; or (6) otherwise with user's consent.
- f. To any Successors/Successors in Interest to All or Part of MAGSA: MAGSA reserves the right to share or transfer any personal information and/or data collected pursuant to this Policy in connection with any change in organization, dissolution, or other restructure of MAGSA to any successor agency tasked with complying with and implementing SGMA.

8.0 User Rights With Respect to the Personal Information MAGSA Collects.

It is MAGSA's Policy that users have the right to:

- a. Know what personal information MAGSA has about users of its Website and other social media platforms;
- b. Update or change any incorrect personal information MAGSA has collected pursuant to this Policy;
- c. Ask MAGSA to stop collecting, processing and using specific user's personal information in certain ways;
- d. Request the portability of user's personal information; and
- e. Raise concerns about automated decision-making processes.

If any user of MAGSA's Website or social media wishes to exercise their right to do any of the above (a thru e), please send an email request to privacy@mcmullinarea.org. MAGSA may request that any user wishing to exercise this right to provide MAGSA with information necessary to verify their identity prior to responding to the request. MAGSA may refuse to comply with a request if it is manifestly unfounded, excessive or repetitive in nature. MAGSA may also retain any personal information collected to comply with laws, rules and/or regulations, prevent fraud, resolve disputes, trouble-shoot problems, assist with investigations or enforce MAGSA's contracts.

9.0 Use of MAGSA's Website or Services by Children. MAGSA's Website and services are not necessarily intended for children under the age of 16 years of age, and does not intend through its Policy to collect personal information from or about children under the age of 16. If a child under the age of 16 has provided MAGSA with personal information, that child's parent or legal guardian should contact MAGSA at privacy@mcmullinarea.org if they would like the information submitted by the child to be deleted from MAGSA's records or database.

10.0 Opting-Out of Future MAGSA Communications. Any user may opt-out of receiving email communications from MAGSA by using the "unsubscribe" link in MAGSA's emails, or by emailing MAGSA at privacy@mcmullinarea.org. To opt-out of any of MAGSA's physical mailings and/or telephone communications, or to add your name to MAGSA's do-not-share list, any user may email MAGSA at the above address or call at (559) 515-3339. It is MAGSA's Policy to ensure any user who chooses to opt-out has his or her name removed from MAGSA's list (and any list it may share with third parties) as soon as possible after it receives the request. Please be advised, however, that after a request is processed, it is possible MAGSA may retain, for a time, certain residual information about any user in backup and/or archival copies of MAGSA's database.

11.0 Do Not Track ("DNT"). MAGSA's Website is not designed to respond to DNT signals received from browsers.

12.0 Protection of Personal Information. It is MAGSA's Policy to commit to using best efforts to maintain the security of all users' personal information. To prevent unauthorized access, maintain data accuracy and ensure the appropriate use of information, MAGSA adheres to industry standard practices and procedures to help safeguard and secure information collected. Although

MAGSA, its consultants and partners use best efforts to protect the security of personal information and its systems, due to the inherent open nature of the internet, no transmission via the internet may be guaranteed to be one hundred percent (100%) secure. As a result, among other factors outside of MAGSA's control, MAGSA cannot guarantee the security of information transmitted to MAGSA through its Website or social media platforms. Therefore, to that extent, users assume the risk by using MAGSA's Website or engaging with MAGSA on social media. MAGSA's Website is secured and verified by Let's Encrypt SSL.

13.0 Information from Users Outside of the United States and Consent to Transfer Jurisdiction. MAGSA's Website and business is operated and conducted in the United States of America ("USA"). If a user is located in another jurisdiction, information provided will be transferred to, and stored and processed in the USA. By using MAGSA's Website and/or social media, users consent to the transfer, processing and storage of user information in the USA, where privacy laws may not be as comprehensive as those in the user's country or citizenship or residence. MAGSA will take all reasonable steps to ensure user data is treated securely and in accordance with this Policy.

14.0 Security of Personal Information on Third-Party Websites. MAGSA's Website, social media, email or other services may contain links to other websites or from third parties not under MAGSA's control or supervision. MAGSA shall not be responsible for the privacy practices of third parties and their websites. Third-party websites may have their own privacy policies, but they may not. It is MAGSA's Policy to encourage all users to be aware when accessing any such third-party links and websites and to read the applicable privacy policies of the third-party websites to see how user information will be handled prior to providing them with personal information.

15.0 Retention of User Information. MAGSA stores and maintains user information for the purposes for which it is processed by it. The length of time for which MAGSA maintains information depends on the purposes for which it is collected and used and/or required to comply with applicable laws.

16.0 Contacting MAGSA. If a user wishes to contact MAGSA to update any information, or if a user has any questions, comments or concerns regarding this Policy and/or the practices described by this Policy, a user may email MAGSA at privacy@mcmullinarea.org or contact MAGSA by telephone at (559) 515-3339.

MAGSA may also be contacted at the following address:

McMullin Area Groundwater Sustainability Agency
Attention: Matthew H. Hurley
275 S. Madera Ave., Suite 301
Kerman, CA 93630

17.0 Applicable Law. This Policy and MAGSA's legal obligations related hereunder are subject to the laws of California and the USA, regardless of the location of any user. Use of MAGSA's Website constitutes consent to the exclusive jurisdiction of and venue in the federal and state courts located in Fresno County, California, USA in any and all disputes arising out of or relating to this Policy.

18.0 Effective Date and Modifications. This Policy is effective upon its adoption. MAGSA's Board of Directors may modify this Policy at any time, at its sole discretion, pursuant to the applicable procedures described in MAGSA's Bylaws. Use of MAGSA's Website or other services or social media platforms constitutes full acceptance of this Policy in its then-current form.