

Privacy Policy and Cookie Policy
MBTA Retirement Fund
March 2020

This Privacy Policy (“**Privacy Policy**”) describes the ways in which the MBTA Retirement Fund (the “**Retirement Fund**,” “**we**,” “**our**,” and “**us**”) collects, receives, processes, or stores information including Personal Information (as defined below) in connection with operating the Retirement Fund (“**Fund Operations**”) including the services it provides in connection with the Fund Operations (collectively, the “**Services**”). We use the term “**Personal Information**” to mean any information that identifies you as an individual or is otherwise defined as personal information (or similar) under applicable law.

1. Retirement Fund Background; Certain Defined Terms. The Retirement Fund is a private trust, established originally pursuant to a Declaration of Trust, dated January 1, 1948 (the “**1948 Trust Agreement**”). The Retirement Fund is a contributory defined benefit retirement plan for a single employer, and, as a governmentally sponsored plan, is exempt from the Employee Retirement Income Security Act of 1974 (“**ERISA**”). The Retirement Fund is governed by two documents: (i) the Amended and Restated Trust Agreement, dated July 19, 2019 (the “**Trust Agreement**”), by and among the Massachusetts Bay Transportation Authority (the “**Authority**”), Local 589, Amalgamated Transit Union, AFL-CIO (the “**Union**”), and the Retirement Board of the Retirement Fund, which superseded the 1948 Trust Agreement and the October 28, 1980 Amended Trust Agreement, and (ii) the Pension Agreement, dated as of July 1, 2014 (the “**Pension Agreement**”), which is the product of a collective bargaining agreement between the Authority and the Union. Capitalized terms used in these Terms not defined herein have the meanings ascribed to them in the Pension Agreement.

2. This Privacy Policy.

2.1. Application of this Privacy Policy. This Privacy Policy applies to anyone, other than our current or prospective employees, providing us information (collectively, “**you**”), including:

- Members, Retired Members, Employees (all as defined in the Pension Agreement) and Member Designees (as defined Section 3.3 (Consent for Member Designee; Application of this Privacy Policy to Member Designee));
- Users that have registered an account with us (“**Registered Users**”); and
- Casual visitors of (i) our website available at www.mbtarf.com (the “**Website**”), or (ii) the Retirement Fund’s office (collectively, “**Site Visitors**”).

2.2. Changes to this Privacy Policy. We reserve the right to revise this Privacy Policy from time to time at our discretion. We will revise this Privacy Policy, for example, to comply with changes in applicable law. If we make material revisions to this Privacy Policy, we will notify you by email, by posting a notice on the Website, or by another appropriate method. If you do not agree with a change we make to this Privacy Policy, please notify us immediately using the contact information set out in Section 14 (Contact Information). Your continued membership in the Retirement Fund, receipt of Services, or provision of information to us, will constitute your acceptance of the revised Privacy Policy.

3. Your Consent. Please read this Privacy Policy carefully because once you consent to this Privacy Policy and its terms, it imposes legal obligations on you and the Retirement Fund. As set out below, the procedures for consenting to this Privacy Policy are obtained in different ways depending on the type of user you are:

3.1. Your Consent if you are a Site Visitor. If you are a Site Visitor, you acknowledge that you have read and understood this Privacy Policy, and agree to be legally bound by it, by (i) accessing our Website, or visiting the Retirement Fund’s office and providing us with information, being a Member, or receiving Services (as the case may be). If you do not agree with the terms of this Privacy Policy, please refrain from accessing or visiting our Website or our office.

3.2. Your Consent if you are Not a Site Visitor. Except as provided in Section 3.3 (Consent for Member Designee; Application of this Privacy Policy to Member Designee), your consent to, and your affirmative agreement that you have read and agreed to, this Privacy Policy shall be granted by providing us with information in connection with our provision of Services. For example, you may become a Registered User by using the registration form provided under the “Register” heading (or similar heading) to create an account on the Website. Accepting this Privacy Policy is a condition of your registration as a Registered User, and to signify such acceptance, you must click the “Click to Accept” or similar button to complete the registration process. You may, for example, also consent to this Privacy Policy by submitting information to us when we generate a retirement benefit estimate for you. In any case, by providing us information, being a Member, or receiving Services, you are affirmatively acknowledging that you have read and understand this Privacy Policy, and agree to be legally bound by it.

3.3. Consent for Member Designee; Application of this Privacy Policy to Member Designee. If you are providing information to us on behalf of another person, such as a spouse, child, appointed representatives, or other designee (collectively a “**Member Designee**”), then (i) you represent and warrant that you have authority to provide information on behalf of such Member Designee(s), and (ii) for all purposes in this Privacy Policy, the term “you” means the Member Designee(s) on whose behalf you are providing us with information. Your Member Designee(s) may be entitled to provide Personal Information on their own and may be entitled to access your Personal Information. Please be aware that we will treat anyone who has the authority to act on your behalf pursuant to the Pension Agreement or applicable law as if they were you for the purposes of this Privacy Policy.

4. Collection of Information. We collect your information, including Personal Information, in the course of Fund Operations and providing the Services. Here are the types of information that we collect:

4.1. Information that You Provide. We collect information that you provide to us, including when you interact with us in the course of Fund Operations or when we provide the Services. Information that you may provide includes your name, birth date, social security number, job and employment information, banking information, mailing address, and email address. If you visit our office in person and meet with our employees, we may ask you to provide us with information, including Personal Information (“**Offline Personal Information**”). Offline Personal Information may be collected using: (i) in person communications and interactions with us; (ii) paper forms and applications you provide to us in person or via fax or mail; and (iii) other related Personal Information you provide us in person by mail, by telephone, or by other means. If you provide Offline Personal Information to us, we will make our best effort to provide you with either verbal and/or written notice of this Privacy Policy so that you can familiarize yourself with its terms. The Retirement Fund also collects information that you provide by electronic mail.

4.2. Automatically Collected Information. We may automatically collect certain information from you, including certain technical information from your computer or mobile device when you use the Website, such as your Internet Protocol address, your web browser type and version, the name and version of your operating system, the pages you view on the Website, the pages you view immediately before and after you access the Website, and the search terms you enter on the Website. This information

allows the Retirement Fund to recognize you and personalize your experience if you return to the Website using the same computer or mobile device, and to improve the Fund Operations, the Website, and the Services.

4.3. Cookies. We may collect certain information using “cookies,” which are small text files that the Website saves on your computer or mobile device, or similar technologies that allow us to recognize your computer or mobile device. You can disable cookies in your browser settings, but doing so may affect the functionality of the Website. For further information, see the Cookie Privacy Policy in Section 8 (Cookie Privacy Policy) below.

4.4. Web Beacons. We may also collect information using “web beacons,” which are clear electronic images that can recognize certain types of information on your computer, such as cookies, when you view a particular website tied to the web beacon, and a description of a website tied to the web beacon or using unique links that can distinguish when individual users click the link. Web beacons and unique links, alone or in conjunction with cookies, may help the Retirement Fund compile information about your interactions with electronic mail sent to you in connection with the Services.

4.5. User-Generated Content. We may provide you with the ability (either directly or through a third-party service) to engage with us and others in public exchanges, and these may include opportunities for you to provide comments, reviews, recommendations, information related to the Services, and other input (collectively, “**User-Generated Content**”). Please understand that anything you supply as User-Generated Content will be accessible to others to read, collect, re-publish, and otherwise freely use. We are not responsible for anything you decide to include in User-Generated Content, and we will only take down, remove, or edit User-Generated Content in our sole discretion, except as required by applicable law. If you include any information relating to others in your User-Generated Content, then you represent that you have full permission and authority to do so.

4.6. Information We Collect from Other Sources. We may collect information about you from other sources, including the Authority, your union, the Commonwealth, or your medical providers and our independent medical examiner in the case of a disability retirement application. The Fund is not a “covered entity” within the meaning of the Health Insurance Portability and Accountability Act (“**HIPAA**”) but we will treat any limited medical information that we receive about you as Personal Information.

4.7. Anonymous Information. We may also collect, process, and use information that does not identify you or your devices, including Personal Information that has been made anonymous by: (i) removing identifying fields and aggregating the information with other information so that individuals cannot be re-identified, or (ii) anonymizing the information with techniques that remove or modify the identifying data so as to prevent re-identification of the anonymized information (collectively, “**Anonymous Information**”). Information that meets these criteria might include, for example, demographic information, statistical information (e.g., page views and hit counts), and general tracking information.

5. Use of Information. We use your information to provide, operate, and improve Fund Operations and the Services, including, for the following purposes:

5.1. Fund Operations and Services. We use your Personal Information for Fund Operations and to provide the Services. This includes, by way of example: (i) to track and update contributions to your account; (ii) ensure that your membership account is current and accurate; (iii) determine your eligibility

to receive your retirement allowance; (iv) issue you the payments to which you are entitled under the Pension Agreement; and (v) provide you with retirement benefit estimates in person or via the Website.

5.2. Analysis and Improvement. We may use your Personal Information and Anonymous Information to perform internal administration, auditing, operation, and troubleshooting in connection with Fund Operations, including to evaluate and improve our Services, and to develop and test Services.

5.3. Information and Notices. If you submit your information to us, we may provide you with information about Fund Operations and the Services or required notices. The Retirement Fund does not sell or share your Personal Information with other companies for purposes of their marketing goods or services to you that are unrelated to the Retirement Fund. You have the right to request that we do not share your Personal Information with, or sell your Personal Information to, third-parties, and we will honor such requests in accordance with applicable law.

5.4. Security. We may use your Personal Information for safety and security purposes, including sharing of your information for such purposes, when it is necessary to pursue our legitimate interests in ensuring the security of Fund Operations and the Services, including detecting, preventing and responding to fraud, intellectual property infringement, violations of agreements with the Retirement Fund or its service providers, violations of law or other misuse of the Services. We may also share your Personal Information when we believe, in good faith, that disclosure is necessary to protect our rights, the rights of other users of the Services, the integrity of the Services, your safety, or the safety of others.

5.5. Comply with Legal Obligations. We may have a legal obligations to collect, use, retain, or process your Person Information. If those obligations exists, then we will use your Personal Information to satisfy such obligations.

5.6. Communicating with You. We use your Personal Information to respond to your requests and to communicate with you about Fund Operations through various channels (which may include in person, email, phone, and chat).

5.7. Other Purposes for Which we Seek Your Consent. We may seek for your consent to use your Personal Information for additional purposes that we communicate to you.

6. Sharing Information. Although your information is important to Fund Operations, we are not in the business of selling your Personal Information. We share Personal Information as described below. Unless otherwise required by applicable law, we take reasonable efforts to ensure that any entity that we share your Personal Information with has privacy practices at least as protective as those in this Privacy Policy.

6.1. Third-Party Service Providers. We may engage third-party service providers to perform functions on our behalf, and these may include maintaining the Website, providing independent medical evaluations, calculating retirement benefits, collecting information, responding to and sending email or other messages, data analysis, and other functions useful to Fund Operations or the Services. Such third-party service providers will have access to Personal Information to the extent needed to perform their function, but will not be permitted to use Personal Information for other purposes.

6.2. Consultants. The Retirement Fund may engage attorneys, accountants, and other consultants and subject matter experts to advise and assist it in connection with the Services. The Retirement Fund will provide such consultants with access to Personal Information to the extent needed

to perform their function, but will not permit them to use your Personal Information for purposes unrelated to their engagement with us.

6.3. Business Transfer. The Retirement Fund may also transfer your Personal Information to a third-party in the event of any reorganization, merger, acquisition, assignment, transfer or other disposition of all or any portion of the Retirement Fund's business or assets, provided that any such entity that the Retirement Fund transfers Personal Information to will not be permitted to process your Personal Information other than as described in this Privacy Policy without providing you notice and, if required by applicable laws, obtaining your consent.

6.4. Public Records Requests. By virtue of Massachusetts General Laws Chapter 66, Section 21, effective January 1, 2017, the Retirement Fund's records are subject to the Massachusetts Public Records Law ("PRL"). While expressly reserving all your legal rights, defenses, protections and exemptions, including those arising due to the Retirement Fund's private status, the Retirement Board has decided that it is in the best interest of members of the Retirement Fund to comply with reasonable requests under the PRL. Accordingly, the Retirement Fund generally will respond to such requests while raising, as applicable and appropriate, PRL exemptions and other laws protecting against disclosure of your Personal Information.

6.5. CTHRU Initiative. The Retirement Fund is required to provide certain information, including Personal Information, to comply with the Commonwealth's CTHRU initiative (which replaced the Commonwealth's "Open Checkbook" website) that was implemented under the Comptroller's powers and initiatives set out in Massachusetts General Laws Chapter 7A. This information includes: retiree number, employee number, badge number, first name, middle name, last name, monthly benefit, annual benefit, compensation offset or court order, date of retirement, job classification at retirement, department at retirement, age at retirement and any additional or different information requested by the Commonwealth.

6.6. Other Disclosure. The Retirement Fund may disclose Personal Information about you to others: (i) if the Retirement Fund has your valid consent to do so; (ii) to comply with a valid subpoena, legal order, court order, legal process, or other legal obligation; (iii) to enforce any of the Retirement Fund's terms and conditions or policies; or (iv) as necessary to pursue available legal remedies or defend legal claims.

7. Storage.

7.1. Jurisdiction. Information collected will be stored in, processed in and subject to the laws of the United States, which may not provide the same level of protection for your information as your home country, and may be available to the United States government or its agencies under a lawful order made in the United States. By accepting this Privacy Policy, you consent to such transfer to, storage in and processing within the United States.

7.2. Security. We have implemented reasonable measures to protect your information from unauthorized access, use or disclosure. The Retirement Fund maintains administrative, technical and physical safeguards designed to protect the collected information. Other Services may have additional safeguards designed to protect collected information. However, no information or communication system can be 100% secure, so the Retirement Fund cannot guarantee the absolute security of your information. In addition, the Retirement Fund is not responsible for the security of information that you transmit over networks that the Retirement Fund does not control, including the Internet and wireless networks.

7.3. Retention; Reviewing, Deleting, or Correcting Information. The Retirement Fund retains information (including associated Personal Information) in accordance with applicable law and its document retention policy. If you wish to review, correct, or request that we delete information about you (including incorrect Personal Information), you have the right to send a written request to the Retirement Fund using the contact information provided in Section 14 (Contact Information) or by visiting the Retirement Fund’s office and speaking with an employee. Please understand that we may not be able to change or delete information all of your information including if the information is necessary for Fund Operations, or necessary for compliance with applicable law.

8. Cookie Privacy Policy. This section provides the Retirement Fund’s cookie policy (“**Cookie Privacy Policy**”) and describes how the Retirement Fund uses Cookies (as defined below) and similar technologies.

8.1. Cookies. Cookies are small pieces of data that are stored on your computer, mobile phone, or other device when you first visit a page. The Retirement Fund uses cookies, web beacons and similar technologies (“**Cookies**”) to enhance your user experience, understand your usage of the Website and to perform analytics. Cookies may also be set by other websites or services that run content on the page you are visiting. The provision of your data via Cookies is voluntary except for those Cookies that the Retirement Fund places on your device that are necessary for the performance of the Website. The Retirement Fund uses “session cookies” and “persistent cookies.” Session Cookies are temporary Cookies that remain on your device until you leave the Website. A persistent Cookie may remain on your device for much longer until you manually delete it.

8.2. Use. Cookies can contain the following information about you and your use of the Website: browser type, search preferences, data relating to which pages of the Website that you have visited and the date and time of your use. The Retirement Fund uses Cookies for the following purposes:

- To enable and support security features, prevent fraud, and protect your data from unauthorized access.
- To enable features and help us provide you with personalized content.
- To analyze how you use the Website and to monitor site performance. These Cookies help us to identify and fix errors, understand and improve services, research and test out different features, and monitor how you reached the Website.

8.3. Third-Party Cookies. The Retirement Fund uses the following third-party Cookies on the Website:

Cookie Name	Type	Expiry	Use
_ga	Persistent	2 years	Visitor identification
_gid	Persistent	24 hours	User journey
_gat	Persistent	10 minutes	Throttling request rate
_wf_loginalerted_	Persistent	1 year	Functional (stores Website login information)
wp-postpass	Persistent	10 days	Necessary for password protected pages
ESSRU	Persistent	1 year	User identification
ESSUN	Persistent	1 year	User identification

Cookie Name	Type	Expiry	Use
JSESSIONID	Session	Session	Storage of unique session identification information
r/collect	Session	Session	Transmits data to Google Analytics about the visitor's device and behavior

8.4. Opting Out. You can control and/or delete cookies as you wish – for details, see <https://www.aboutcookies.org/>. You can delete all cookies that are already on your computer and you can set most browsers to prevent them from being placed. If you do this, however, you may have to manually adjust some preferences every time you visit a site and some services and functionalities may not work as intended by the Retirement Fund.

9. Notice of Privacy Rights to California Residents. The following provisions of this Section 9 (Notice of Privacy Rights to California Residents) apply if you are a California resident.

9.1. Shine the Light Law. California law requires certain businesses to respond to requests from California users who ask about business practices related to disclosing Personal Information to third-parties for direct marketing purposes. The California “Shine the Light” law further requires us to allow California residents to opt out of certain disclosures of Personal Information to third-parties for their direct marketing purposes.

9.2. California Consumer Privacy Act Disclosure. The California Consumer Privacy Act (the “CCPA”) provides various rights to individuals and households with respect to the collection and use of Personal Information that we have collected about California residents. We use the term “resident” to refer to a California resident to whom the CCPA applies. Among other rights under the CCPA, as further set out in this Section, a resident has the right to request that we (i) disclose to the resident Personal Information that we have about such resident (including Personal Information about such resident that is sold), and (ii) subject to certain exceptions, delete Personal Information that we have about such resident. A resident may request a copy of the following using the mechanism set out in Section 9.3 (Submission of a Consumer Request): (a) the categories of Personal Information we collected about such resident; (b) the categories of sources from which the Personal Information is collected; (c) the business or commercial purpose for collecting or selling the Personal Information; (d) the categories of third-parties with whom we share Personal Information; and (e) the specific pieces of Personal Information we have collected about such resident. A resident may submit a request for such information no more than twice in any twelve (12) month period, and our disclosure of such requested information shall only cover the twelve (12) month period preceding our receipt of such request. Additionally, a resident may request that we delete such resident’s Personal Information using the mechanism set out in Section 9.3 (Submission of a Consumer Request). A resident’s rights as to such deletion requests are set out in Section 7.3 (Retention; Reviewing, Deleting, or Correcting Information).

9.3. Submission of a Consumer Request. We are in the process of implementing a web-based form and toll-free number for residents to submit requests to us to access or delete their Personal Information. In the interim, please submit such requests to the email address provided in Section 14 (Contact Information). We will respond to your request within forty-five (45) days or as permitted by applicable law.

10. Relationship to Members’ Bill of Rights. Before adoption of this Privacy Policy, the Fund created and maintained the Members’ Bill Of Rights And Standards For Reporting And Confidentiality (the “**Bill of Rights**”). We have created this Privacy Policy to comply with changes in the law and build upon the Bill of Rights, particularly with respect to Article 1 of the Bill of Rights. To the extent there is a Material Conflict (defined below) between (i) this Privacy Policy, and (ii) the Bill of Rights, this Privacy Policy will control. By “**Material Conflict,**” we mean a conflict between the express provisions of two documents, such that it is not possible to comply with both provisions. If you would like to review a copy of the Bill of Rights, please contact us using the contact information provided in Section 14 (Contact Information).

11. Feedback. We want to encourage your feedback. If you have a suggestion or concerns you would like us to address, please contact us using the contact information provided in Section 14 (Contact Information). Certain states may provide you with additional avenues for lodging complaints. Please check with your state’s consumer protection authority.

12. Third-Party Websites. The Website and communications from the Retirement Fund may contain links to websites operated by third-parties. You acknowledge and agree that the Retirement Fund is not responsible for the collection and use of your information by such websites that are not under the Retirement Fund’s control. The Retirement Fund encourages you to review the privacy policies of each website you visit.

13. Children’s Information. The Services are not directed to, nor does the Retirement Fund knowingly collect information from, children under the age of 13 in connection with Fund Operations. If you become aware that your child or any child under your care has provided information without your consent, please contact the Retirement Fund immediately using the contact information provided in Section 14 (Contact Information).

14. Contact Information. We welcome your feedback or suggestions. If you have any questions about this Privacy Policy or the collection or use of information about you, please contact the Retirement Fund using the following information:

The MBTA Retirement Fund
Attention: Webmaster
One Washington Mall, 4th Fl.
Boston, MA 02108
Phone: (617) 316-3800
Email: webmaster@mbtarf.com

15. Do Not Track Notice. Our Website does not change its behavior when receiving “Do Not Track” signals from browser software.

16. Further Resources. If you wish further information concerning privacy policies in general, you should visit the following site: <http://www.ftc.gov/privacy/index.html>.

17. Effective Date. The effective date of this Privacy Policy is March 31, 2020.