

HealthEquity, Inc. online Legal Information  
**Notice of Change in Terms (November 1, 2018)**

The following changes to the HealthEquity, Inc. online Legal Notices will be effective on December 15, 2018. The material changes are summarized below, followed by a redlines showing the exact changes:

- General Terms – Added a clarification that we are an IRS authorized non-bank trustee, with a link to the IRS authorization letter.
- Privacy Policy – Changed this title to Privacy Statement to make it easier to distinguish the online privacy statements from the Notice of Privacy Practices.
- Other Authorized Users of the Account – HSAs are individual accounts. Removing references to “primary account holder” as there cannot be a secondary holder.
- Employer, Health Plan, or Insurance Company Disclosures – Data sharing practices connected to entities (typically employers and health insurance companies) that assist in the opening and maintenance of HSAs has been explained.
- SSO or Links to Other Websites / Data Sharing Arrangements – The role various entities (such as employers and health insurance companies) play in setting up “single sign on” and data sharing arrangements connected to HSA services has been noted.
- GDPR – Our position with regard to the EU General Data Protection Regulation is set forth.
- Registered Agent for Service of Process – Added contact information.

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Language Assistance/Non-Discrimination Notice

### Quick Links

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# Legal Information notices

## Terms of Use

BY ACCESSING THIS WEB-SITE, YOU AGREE TO BE BOUND BY THE TERMS AND CONDITIONS BELOW. IF YOU DO NOT AGREE TO THE TERMS AND CONDITIONS BELOW, DO NOT ACCESS THIS WEB-SITE OR ANY PAGES THEREOF.

### GENERAL TERMS

HealthEquity, Inc. ("HealthEquity", "we", "our") is an Internal Revenue Service ("IRS") authorized, non-bank trustee ("NBT") operating as the custodian of health savings accounts ("HSAs"). The IRS NBT Authorization Letter is available online (see Quick Links box at <https://healthequity.com/legal>). HealthEquity is also a third-party administrator of other tax favored health plans and services. We does not provide medical advice, diagnosis, or treatment. Information obtained from HealthEquity licensors and from the HealthEquity web-site, including text, tools and services, is for your personal informational purposes only and should not in any case replace professional medical advice. If you have a question regarding a medical condition, you should seek advice and treatment from a qualified health care professional. **If you have a medical emergency, call 911 immediately.**

### COPYRIGHTS

Copyrights in the page content or display screens, and in the information and material within including their arrangement, are owned by HealthEquity, Inc. unless otherwise indicated. No information or content except as otherwise expressly stated herein, may be copied, transmitted, displayed, performed, distributed, or otherwise used in whole or in part in any manner without HealthEquity's prior written consent, except to the extent permitted by the Copyright Act of 1976, as amended, and then, only for your personal nonbusiness use.

### CONTENT

The information, services, products, data, and materials contained in this web-site are provided on an "as is" basis without warranty and HealthEquity, to the maximum extent permitted by law, does not assume responsibility or guarantee the accuracy, timeliness, or completeness of the content. The content is provided to enhance your understanding and is for illustrative purposes only—use the information at your own risk. Content may contain explicit health and/or medical materials. If you find these materials offensive, do not use this web-site.

### APPLICABLE LAW, PERSONAL JURISDICTION, AND VENUE

These Terms of Use shall be governed by, and construed and enforced in accordance with the laws of the Utah (excluding conflicts of law principles). By using this web-site, you agree to submit to the exclusive personal jurisdiction and venue of the federal and state courts located in Salt Lake County, Utah, with respect to all matters.

### UNAUTHORIZED USE

Unauthorized use of HealthEquity's web-site(s) and systems, including but not limited to unauthorized entry, misuse of passwords, or misuse of any information posted to a site, is strictly prohibited.

## CHANGES TO TERMS ~~OF USE~~

HealthEquity reserves the right to update these Terms of Use at any time. Continued use of the HealthEquity web-site and/or services, signifies your acceptance of any changes.

HealthEquity does not warrant the accuracy, adequacy, or completeness of the information and materials contained herein. HealthEquity disclaims all warranties and representations of any kind with regard to the web-site, including any implied warranties of merchantability or fitness for any particular purpose. Under no circumstance will HealthEquity be liable for any indirect, consequential, incidental, special, punitive, or exemplary damages arising out of any use of or inability to use the web-site or any portion thereof, regardless of whether HealthEquity has been apprised of the likelihood of such damages occurring and regardless of the form of action, whether in contract, warranty, tort (including negligence), strict liability, or otherwise.

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## Security

At HealthEquity, protecting your privacy and security is our top priority. We understand the importance of security when managing your financial information online and over the phone. HealthEquity will never ask for your password or utilize an automated voice response system when contacting you. Some tips to prevent Security fraud and Identity theft include:

- Never give out your Health Account number, Health Account debit card or Social Security number to solicitors or callers that you have not contacted.
- Never give out your password for your HSA login.
- Check your Health Account frequently using the HealthEquity member portal and contact us if you notice any suspicious activity.
- Receive and pay bills online instead of by mail with the HealthEquity member payment portal. The less biller information in your mailbox, the better.
- Protect your information by not receiving paper copies of your account statements. With free Online Statements, just login to your HealthEquity member portal and view or print the statement information you need. You will need to elect the Online Statement option from your member portal.
- Provide personal information only on websites that are secure and only when you have initiated the contact. Always check for the lock icon in the bottom right of your screen, and check the browser to make sure that "https" ("s" indicates secure) is displayed in the website address.
- Report any suspicious activity including automated messages inquiring about your account or calls from sources you cannot identify. If you feel that you have become a victim of suspicious activity, report the information immediately to HealthEquity Member Services at 866.346.5800.

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## Privacy Statement Policy

### ~~FINANCIAL PRIVACY POLICY~~

~~To read more about the HealthEquity privacy policy as it applies to HealthEquity, Inc. as an IRS-approved non-bank trustee and health account administrator, please refer to the HealthEquity Annual Notice of Privacy Practices.~~

## OUR COMMITMENT TO PRIVACY

Your privacy is important to us. As part of providing our services to you, you understand that we will obtain personal information about you. We take the responsibility of maintaining the confidentiality of this information seriously. This privacy notice is provided so that you will be aware of the measures we take to protect your privacy. It also describes information we collect and how we use this information to conduct our business. **We do not sell our customer lists or individual customer information.** By using our site you consent to [the terms of this Privacy Statement](#)~~Policy~~, including your consent to our use and disclosure of information about you in the manner described in this [Privacy Statement](#)~~Policy~~.

## INFORMATION WE COLLECT

The following is a nonexhaustive list of information we collect about you in order to provide services to you:

- Name
- Physical Address
- Social Security Number
- Date of Birth
- Email Address
- Phone Number

## HOW WE USE INFORMATION

We retain your personal information in order to provide products and services and may, from time to time, provide such information to nonaffiliated third party service providers to perform services for or functions on behalf of us, to effect, administer, or enforce transactions authorized by you; for example,

- To verify your identity, open and administer your accounts and provide other financial services under the USA PATRIOT Act
- To open and administer your accounts and provide other financial services
- To make payments to medical service providers
- To help us protect you and us from financial loss
- To prepare account statements
- To prepare annual tax reporting information, if applicable

We may also exchange information with reputable reference sources or reporting agencies for risk management, and verification, in order to maximize the accuracy, and security of your personal information. Only information needed to service your account or protect against fraud will be used or provided, in accordance with standard industry practice, unless we are required or allowed to do so by law. We will not market additional products or services to you if you advise us that you do not wish for us to do so.

In addition, we will collect and store the following:

- Names of the dependents (and other identification or "ID") that are covered by your account
- Names and ID of people authorized by you to use your account
- Names and ID of people authorized by you to access your account information
- Transactions with us such as your account balance, fees, payments, withdrawals, deposits and the identity of persons to whom you make payments, including health care providers

The information can come from one or more of the following sources:

- On account applications, or in communications with us
- From your employer or health plan, if you enrolled through them
- Information from public sources such as government records
- From information you provide us on our website

## OUR INFORMATION SECURITY STANDARDS

We have developed policies and procedures to keep your personal information confidential and secure. We restrict access to those employees and other persons who must use that information to provide services on our behalf. We maintain physical, electronic and procedural safeguards, in compliance with applicable laws, regulations and industry standards, to protect the confidentiality of the personal information we obtain.

We require our service providers to maintain the same level of confidentiality and security that we do. We continually update and improve our security standards and procedures to help protect against anyone gaining unauthorized access to your confidential information and to prevent fraud.

## ONLINE PRIVACY AND SECURITY

We collect and use the information you provide us online to respond to your needs, service your accounts, and provide online transaction services. We do not collect personally identifiable information about you unless you voluntarily provide us with that information through email or online applications.

## USE OF "COOKIES" ON HEALTHEQUITY'S WEB-SITES

While visitors to our ~~W~~web-site(s) remain anonymous, we utilize "cookies" to provide a more valuable experience. Such cookies are used only to enhance the customer's experience by providing dynamic content for educational and promotional purposes. (A cookie is a small text file sent by a Web server and stored on your hard drive in your browser. Cookies cannot "read" information about you from your computer or be used to "steal" information about you; cookies do not carry viruses and are not programs that can perform functions on your computer. Most browsers will allow you to disable cookies, or can be set to notify you when you receive a cookie, thus giving you the opportunity to decide whether or not to accept it.) If you choose to disable cookies certain functionality on the website may be impaired or may not work at all.

## IDS AND PASSWORDS

To access certain online services, you will need a User ID and a Password. This information may either be provided to you or you will be allowed to choose your own. The User ID and Password are designed to protect you by confirming your identity to our computer network systems, and are to be kept confidential. Our employees do not have access to your password. It is very important that you not share this information or allow a computer to "remember" your password, particularly if you are using a computer with public access such as one located in a library. For additional security, you may be required to change your password from time to time.

## OTHER AUTHORIZED USERS OF THE ACCOUNT

Depending on the type of account, the ~~primary~~ account holder may grant the authority to someone else to use the account (such as a spouse, dependent, or a legal representative). The

~~primary~~ account holder is at all times responsible for the transactions those authorized individuals made. Those authorized users will have access to the account balance if they are properly authenticated by our system. The ~~primary~~ account holder should inform those individuals that he/she can see ALL of the transactions those individuals made, and therefore, should have no expectations of privacy.

Depending on the type of account, the ~~primary~~ account holder may grant the authority to someone else to access the account information, including all transaction history. This authority is different from the right to use the account. If the ~~primary~~ account holder grants authority to access the account, once we authenticate the individual's identity, that individual will have full access to the account information, just like the ~~primary~~ account holder.

## ENCRYPTION AND SECURITY

Information provided via our web portal is submitted within a secure session. These sessions utilize Transport Layer Security (TLS, formerly known as SSL) technology in order to ensure that the information is encrypted while in transit. Your browser must be able to support this technology in order to use our web services.

## E-MAIL

E-mail, by nature, is not secure and may be intercepted and viewed by others. Therefore, you should refrain from sending email that contains any confidential or private information, such as your member ID, your social security, or credit card number. We will not send you any email that contains confidential information that would allow identity theft (such as SSN) or contains protected information (such as your health information).

## ~~OTHER~~ HEALTHEQUITY ADVISOR SERVICES

If you have an ~~HSA Health Savings Account~~, and your account balance exceeds a certain minimum (normally \$7,500, but varies depending on how your account was established), you will be eligible to use our [web-only investment advisor services](#) offered by HealthEquity Advisors, LLC, a wholly owned company of HealthEquity, Inc. If you choose to use HealthEquity Advisors, LLC services, your consent to make all account information contained in HealthEquity, Inc.'s system available to HealthEquity Advisors, LLC, and further authorize the use of those information to provide you with the services. Finally, in order for HealthEquity Advisors, LLC to provide you with meaningful information, you will be asked to provide complete and accurate financial information not contained in our system. If you provide such information, you are consenting to the use of the information as described in HealthEquity Advisors, LLC user/services agreement.

## EMPLOYER, HEALTH PLAN, OR INSURANCE COMPANY DISCLOSURES

If you open or maintain an HSA through or in association with an employer, health plan, health insurance company, benefits administrator, benefits aggregator, or other entity, or those operating on behalf of such entities (each, an "Agent"), we may disclose HSA information, including but not limited to personally identifiable information, to your Agent related to the opening and maintenance of your HSA, and to ensure the security of our network and services, to protect against or prevent potential fraud or unauthorized transactions, or as otherwise permitted or required by law. When your Agent notifies us that your association with the Agent has been terminated, we will cease disclosing your information to that Agent, with a reasonable time for us to act on such notification.

If your Agent is subject to any rules of the U.S. Securities and Exchange Commission ("SEC") that may indirectly or directly require the Agent of monitor your beneficial ownership of securities issued by clients of the Agent, we may disclose to your Agent the fact that you have or have not invested in securities through your HSA, the value of your ownership interest in such securities, detail regarding your transactions in such securities, and any other information that the Agent reasonably requests for purposes of facilitating its compliance with such SEC rules, unless you opt out of such sharing. To opt out, contact Member Services. Note that this opt-out only extends to the sharing described in this paragraph.

## SSO OR LINKS TO OTHER WEB-SITES

Your Agent, retirement plan, or 401k recordkeeper, as part of a service offering, may have set up the capability whereby you can access the Agent's, retirement plan's, 401k recordkeeper's, or another third party's website from our website without the need to enter your login credentials to access the third party's website. This is often called "single sign on". You may see a disclosure on our website that alerts you when you are leaving our website and accessing the website of the third party. If you have questions about this arrangement, please contact your Agent, retirement plan, or 401k recordkeeper.

## DATA SHARING ARRANGEMENTS

Your Agent, retirement plan, or 401k recordkeeper, as part of a service offering and for your convenience, may have enabled functionality that would permit you to view your HSA information on the Agent's, retirement plan's, 401k recordkeeper's, or another third party's website or for other purposes that support the data sharing arrangement. If you have such an arrangement, we will share the information defined in the arrangement (such as account balance or investment information) that is necessary to provide the service with your Agent, retirement plan, 401k recordkeeper or another third party, which may be stored on their servers or systems. We are not responsible for the privacy and security practices of your Agent or another third party, and do not control their use or further disclosure of HSA information.

~~HealthEquity works with a number of other companies to ensure that we are providing the value and service you expect. Some of these companies offer "co-branded" or "alliance" products; others may be third parties who provide additional online products and services. By using their services you are authorizing us to share and/or provide private information to them, which may be stored on their servers. You will see a disclosure on our site that alerts you when you are leaving our Web site. These parties often have their own privacy policies, and may have online data collection policies that may differ from ours. Although we encourage these parties to adopt and follow privacy procedures, we are not responsible for their use of your personal information and our Privacy Notice does not cover their information practices. Therefore, for your protection, we recommend that you review the privacy notices provided on their Web sites.~~

## LINKS FROM EMPLOYERS, OR HEALTH PLANS

~~If your account was established by your employer or your health plan, they may have requested that we set up a communication channel whereby you can log into HealthEquity's portal (known as Single Sign on) or access your account information through their site without entering your user name and password again. Your employer or health plan also may have contracted with another vendor that provides additional services, such as personal health care costs management, that allows you to log into HealthEquity's portal or access your HealthEquity's account information through that vendor's website, also without entering your HealthEquity user name and password. When you use those websites to sign into HealthEquity's portal or access~~

~~your account information, you are authorizing HealthEquity's system to pass on certain personal information, such as your account balances, to those systems.~~

## NOTICE OF PRIVACY PRACTICES~~FINANCIAL PRIVACY POLICY~~

~~For more information about our privacy practices as they relate to HSAs, and as required by the Gramm-Leach-Bliley Act ("GLBA"). To read more about the HealthEquity privacy policy as it applies to HealthEquity, Inc. as an IRS-approved non-bank trustee and health account administrator, please refer to the HealthEquity Annual Notice of Privacy Practices available online (see Quick Links box at <https://healthequity.com/legal>).~~

## CALIFORNIA AND VERMONT PRIVACY NOTICE

For California and Vermont residents, the information sharing practices described above are in accordance with federal law. California and Vermont law places additional restrictions on sharing information about their residents, and our policies comply with such restrictions.

California Civil Code Section 1798.83 permits you, if you are a California resident, to request certain information regarding disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please send an e-mail to [legal@healthequity.com](mailto:legal@healthequity.com) or write us at Privacy Officer, HealthEquity, Inc., 15 W Scenic Pointe Drive, Suite 100, Draper, UT 84020.

Cal. Bus. And Prof. Code Section 22575 also requires us to notify you how we deal with the "Do Not Track" settings in your browser. Currently, HealthEquity's system does not respond to the Do Not Track settings.

## NEVADA PRIVACY NOTICE

Nevada law requires that we also provide Nevada residents with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E Washington St., Suite 3900, Las Vegas, NV 89101; phone: 702.486.3132; e-mail: [BCPINFO@ag.state.nv.us](mailto:BCPINFO@ag.state.nv.us).

We hope our Privacy Notice will help you understand how we collect and share information. If you have any questions, please contact us. We are required by federal and state law to provide you with a copy of our Privacy Notice every twelve months. We reserve the right to change this Privacy Notice, in whole or in part, by providing notice in accordance with applicable law.

## GDPR

The General Data Protection Regulation ("GDPR") is an EU data protection and privacy regulation. Our services are outside the scope of GDPR as we are not processing data of HSA owners residing in the EU, we do not target EU residents with our services or products, do not envision our services or products being used by EU residents (e.g., HSAs are only tax advantaged in the U.S.), and do not monitor the behavior of EU residents.

## ENTITIES COVERED BY THIS PRIVACY STATEMENT~~POLICY~~

~~Unless we specifically named an entity, t~~his privacy ~~statement~~ policy applies to~~covers both~~ HealthEquity, Inc. and its subsidiaries, including but not limited to HealthEquity Advisors, LLC., unless otherwise indicated.

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## Registered Agent for Service of Process

Legal notices (such as divorce subpoenas, garnishment notices, etc.) should be sent to our registered agent for service of process:

Registered Agent Solutions, Inc.

2005 East 2700 South Ste 200

Salt Lake City, UT 84109

<https://secure.utah.gov/bes/details.html?entity=5578753-0143>