

## PRIVACY POLICY

**Effective Date:** November 10, 2021

AvalonBay Communities, Inc., its subsidiaries and related entities ("**AvalonBay**," "**Avalon**," "**we**," "**our**" or "**us**") respects your privacy and is committed to protecting your information. This Privacy Policy (alternatively, "**Policy**") describes our privacy practices with regard to your use of any online services (e.g., website, software, or mobile app, and certain e-mails we send) that posts a link to this Policy ("**Service(s)**"), regardless of how the Service is accessed or used. Click [here](#) to view our Terms of Use. Likewise, this Policy is limited to information about you that could reasonably be used to identify you personally, or that is associated with information that identifies you ("**Personally Identifiable Information**"). Additional privacy policies or notices may supplement this Privacy Policy. California residents should also visit our [California Privacy Notice](#).

"**Personally Identifiable Information**," also known as "**personal data**" or "**PII**," may include, where applicable: your name; your home or other physical address; your email address; your telephone number or other contact information; Social Security number; driver's license or state identification card number; financial information (i.e. bank account number and routing number); your AvalonCommunities or AvalonAccess account username and password; and/or any other identifier that identifies you . "Personally Identifiable Information" may also include your AvalonCommunities or AvalonAccess account information – i.e. your username and password.

Please note that this Policy does not govern the practices of third parties, such as our partners, third party service providers, or advertisers except to the extent we provide them with PII. Any information you provide directly to a third party while utilizing their website or service, even if you access their website or service through ours, will be governed by the third party's privacy policy and terms of use, and not this Policy. Please review such third party policies and terms of use carefully.

By visiting or otherwise using the Service, you agree to the Service's [Terms of Use](#) and consent to our data collection, use, and disclosure practices, and other activities as described in this Policy, and any additional privacy statements that may be posted on an applicable part of the Service. If you do not agree and consent, please discontinue use of the Service, and uninstall Service downloads and applications.

## TABLE OF CONTENTS

- 1. COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION**
  - 1.1. Information You Choose to Give Us
  - 1.2. Information We Obtain through Your Use of the Service
  - 1.3. Information We Collect from Third Parties
- 2. USE OF PERSONALLY IDENTIFIABLE INFORMATION**
- 3. SHARING OF INFORMATION WITH THIRD PARTIES**

4. [INFORMATION YOU DISCLOSE PUBLICLY OR TO OTHERS](#)
5. [THIRD-PARTY CONTENT, THIRD-PARTY SERVICES, AND SOCIAL FEATURES](#)
6. [SECURITY](#)
7. [PRIVACY POLICY CHANGES](#)
8. [EXERCISING CONTROL OVER YOUR PERSONALLY IDENTIFIABLE INFORMATION](#)
  - 8.1. California, Connecticut, and Nevada Residents
  - 8.2. EU Residents
9. [QUESTIONS](#)

## 1. COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION

When you use our Services, we collect certain PII about you. AvalonBay collects and obtains your PII in a few different ways in connection with the Service (“**AvalonBay-Collected PII**”). We collect AvalonBay-Collected PII that you choose to give to us, PII that we obtain through your use of the Service, and PII that we obtain from third parties or other sources. Except to the extent other PII or information is combined by or on behalf of AvalonBay with AvalonBay-Collected PII, it is not governed by this Policy.

### 1.1 Personally Identifiable Information You Choose to Give Us

#### *PII directly provided*

We may collect Personally Identifiable Information when you use certain aspects of our Service, such as to communicate with us, set up or use an account, to apply for an apartment or employment, post content or make comments, or to use other Services provided by AvalonBay. We may ask you to provide certain Personally Identifiable Information at various places and through various mechanisms on the Service. This may include, for example, when you fill out and submit forms (such as forms requesting information needed to consider you for apartment rentals, or potential employment opportunities), when you initiate payments to us through the Service, when you participate in promotions, contests, or sweepstakes on the Service, or when you post information to an interactive forum, bulletin board, or chat room. We may also collect Personally Identifiable Information when you register for e-mail communications, and when you submit a survey response, question or request to the Service or e-mail address link on the Service.

Additionally, we will collect other PII that you voluntarily provide through your use of the Service – for instance, you may ask us questions or provide comments to us via the “Contact Us” page of our Website. When using the “Contact Us” form, we will ask you to provide certain Personally Identifiable Information, such as your name and email address, so that we can respond to your questions or comments. We will also collect any other information

that you choose to provide via the “Contact Us” page, including any additional Personally Identifiable Information beyond your name and contact information.

#### *Offline collection from you*

AvalonBay Communities, Inc. may also collect Personally Identifiable Information from consumers on-site at our apartment communities (“**On-Site Consumer Data Collection**”), which is not considered a Service and is not AvalonBay-Collected PII covered by this Privacy Policy, except to the extent we combine it with AvalonBay-Collected PII. This may include offline collection, such as when you submit a paper application to rent an apartment, make a rent payment by check, or call or visit the management office at an AvalonBay property. It may also include e-mails that you send to us separate from the Service. This Privacy Policy also does not apply to our personnel practices excepting your submission of an application or employment inquiry via the Service. Prospective, current and former personnel can contact the human resources department for more information.

We may also collect information relating to conversations, including recordings monitoring customer service calls for quality assurance or training purpose, and other communications such as SMS, which are considered a covered Services to which this Privacy Policy applies.

### **1.2 Information We Obtain through Your Use of the Service**

When you access or use the Service, we automatically collect certain information about your activities (“**Usage Information**”). Usage Information is information about how our visitors use and navigate the Service. This includes, for example, the number and frequency of visitors to each web page, the length of their stays, the type of browser each visitor is using to access the Service (for example, Internet Explorer, Firefox), the type of operating system each visitor is using (for example, WindowsOS, Mac OS), the domain name of each visitor's Internet service provider, the location data such as the visitor's IP address, the address (or “**URL**”) of the web site that the visitor came from before accessing the Service, which pages were visited on the Service, what was clicked on, and certain other available information. We maintain a separate Cookie Policy describing how we track cookies and internet activity and what your options are relating to cookies and tracking, which is available [here](#). Except as required by applicable law, we do not consider Usage Information to be PII or AvalonBay-Collected PII, except to the extent we combine it with AvalonBay-Collected PII.

### **1.3 Information We Collect from Third Parties**

AvalonBay also works with third party web site operators to provide services such as rental applications, resident services, employment application screening, investor relations information, and in-screen chat applications (“**Portal Sites**”). For instance, third party operators collect your payment card information via their Portal Site in order to complete certain transactions. When you input Personally Identifiable Information to one of our Portal Sites, you may be providing that information to a third party. Our Portal Sites may use framing techniques to make it appear that the user is still on the Service when the user

is actually on a Portal Site. For example, if you are on a page that has the look and feel of <https://www.avalonaccess.com>, but the address listed in your browser is a different web site URL, then you should know that any information you provide is being collected by the third party and not governed by this Privacy Policy. You should carefully review the privacy policy and terms for any third-party Portal Site.

## **2. USE OF PERSONALLY IDENTIFIABLE INFORMATION**

At AvalonBay, we retain and use your AvalonBay-Collected PII to: (1) provide you with services or process transactions that you have requested; (2) communicate with you regarding information, features or offers that we believe will be of interest to you; (3) respond to your questions or other requests; (4) contact you with regard to the Service or otherwise; (5) process any applications, payments or changes to your account information; (6) process other information or Personally Identifiable Information that you submit through the Service; (7) conduct user surveys; (8) contact you regarding a sweepstakes, contest or promotion in which you have participated; (9) evaluate your application for employment; (10) fulfill other purposes disclosed at the time you provide your Personally Identifiable Information; and (11) as otherwise required or permitted by applicable law. This includes, without limitation using your AvalonBay-Collected PI, Usage Information and other information to improve the Service or AvalonBay's services, to customize your experience on the Service, to serve you specific content, to prevent and address fraud and data security risks, or for other business purposes.

If you are purchasing a service, we will request and collect certain financial information from you. Any financial information we collect is used to assess your credit worthiness and/or to bill you for the services you purchased. If you purchase by credit card, this information may be forwarded to your credit card provider. You may also be asked to disclose Personally Identifiable Information to us so that we may provide online technical support and troubleshooting.

## **3. SHARING OF INFORMATION WITH THIRD PARTIES**

### *Non-personally identifiable information*

We may share non-personally identifiable information, such as Usage Information, aggregated user statistics, and other non-Personally Identifiable Information with third parties without restriction as permitted by applicable law. AvalonBay and third parties may convert your Personally Identifiable Information, including AvalonBay-Collected PII, to non-Personally Identifiable Information, including without limitation through hashing it or substituting a unique identifier for the Personally Identifiable Information and we and third parties may use and share that data as permitted by applicable law, including to match data attributes to and from other sources. Any such third-party activities are subject to their privacy policies and practices. In addition, we may share your AvalonBay-Collected

PII as set forth in this Policy, in any manner in which you expressly consent via the Service , or in the following circumstances:

*Affiliated or Subsidiary Companies.*

We may share AvalonBay-Collected PII with our affiliated or subsidiary companies who require access to Personally Identifiable Information for legitimate business purposes related to your potential, current or former tenancy or to process any application, request, inquiry, or other information or AvalonBay-Collected PII This includes the owner of any community where you make application or where you lease, as well as the management company for such community.

*Direct Marketing*

Subject to your communications choices explained in “Exercising Control Over Your Personally Identifiable Information” and the rights of California residents explained [here](#), we may share or sell AvalonBay-Collected PII and other information with third parties for their own direct marketing purposes.

*Third parties providing services on our behalf*

We may share your AvalonBay-Collected PII, as well as other Personally Identifiable Information and other information, with third parties who perform services on our behalf or on behalf of the owner of one of our properties (“**Service Providers**”). This includes, without limitation, Service Providers that send communications, process payments, analyze data, assist with utility billing or renters insurance, provide credit checks, resident screening, or collection services, provide marketing assistance, or create, host and/or provide customer service on our behalf. These Service Providers may have access to Personally Identifiable Information in order to provide these services to us or on our behalf.

*Legal Requirements and Law Enforcement.*

We may disclose AvalonBay-Collected PII, other Personally Identifiable Information and other information when we believe in good faith that the law requires it; when we receive and enforceable request of governmental authorities conducting an audit or investigation; pursuant to a court order, subpoena, or discovery request in litigation; to verify or enforce compliance with our Terms of Use or other agreements or policies governing the Service and applicable laws, rules, and regulations; or whenever we believe disclosure is necessary to limit our legal liability or to protect or enforce the rights, interests, or safety of the Service, its users or other third parties. We also reserve the right to report to law enforcement agencies any activities that we, in good faith, believe to be unlawful.

*Sweepstakes and Promotions.*

If you choose to enter a sweepstakes, contest or other promotion, your AvalonBay-Collected PII may be disclosed to Service Providers, co-sponsors, and other third parties in connection with the administration of such promotion, including, without limitation, in connection with winner selection, prize fulfillment, and as required by law, such as on a winners list. Also, by entering a promotion, you are agreeing to the official rules that govern that promotion, which may include consent to additional or differing data practices from those contained in this Policy, and which may contain specific requirements of you, including, except where prohibited by law, allowing the sponsor(s) of the promotion to use your name, voice and/or likeness in advertising or marketing associated with the promotion.

#### *Corporate Change.*

We reserve the right to disclose and transfer your AvalonBay-Collected PII, other Personally Identifiable Information and other information in connection with negotiations of any proposed or actual corporate merger, consolidation, restructuring, financing, sale of substantially all assets, or other corporate change. For example, when a potential buyer is interested in purchasing one of our properties, we may provide the potential buyer with information about the property and the tenants who live there, which may include your Personally Identifiable Information. Upon the sale of the property in which you live, all of your Personally Identifiable Information, including AvalonBay-Collected PII, may be transferred to the purchaser.

#### **4. INFORMATION YOU DISCLOSE PUBLICLY OR TO OTHERS**

The Service may permit you to post or submit User Generated Content (“UGC”) including, without limitation, written content, user profiles, audio or visual recordings, computer graphics, pictures, data, or other content, including Personally Identifiable Information. If you choose to submit UGC to any public area of the Service, your UGC will be considered “public” and will be accessible by anyone, including AvalonBay. Notwithstanding anything to the contrary, unless otherwise explicitly agreed by us, Personally Identifiable Information included in UGC is not subject to AvalonBay’s usage or sharing limitations, or other obligations, regarding AvalonBay-Collected PII or other Personally Identifiable Information under this Privacy Policy or otherwise, and may be used and shared by AvalonBay and third parties to the fullest extent not prohibited by applicable law. AvalonBay encourages you to exercise caution when making decisions about what you disclose in such public areas. For more information on how UGC is treated under the Service’s Terms of Use [click here](#). California minors should see the section on [Children](#) regarding potential removal of certain UGC they have posted on the Service.

Additionally, the Service may offer you the option to send a communication to a friend or other contact. If so, AvalonBay relies on you to only send to people that have given you permission to do so. The recipient’s Personally Identifiable Information you provide (e.g., name, e-mail address) will be used to facilitate the communication, but not used by AvalonBay for any other marketing purpose unless AvalonBay obtains consent from that person. Your contact information and message may be included in the communication.

## 5. THIRD-PARTY CONTENT, THIRD-PARTY SERVICES, AND SOCIAL FEATURES

The Service may include or link to third-party websites, apps, ads, locations, platforms, code (e.g., plug-ins, application programming interfaces (“API”), and software development kits (“SDKs”)) or other services (“**Third-Party Service(s)**”). These Third-Party Services may use their own cookies, web beacons, and other technologies (collectively, “**Tracking Technology**”) to independently collect information about you and may solicit Personally Identifiable Information from you.

Certain functionalities on the Service permit interactions that you initiate between the Service and certain Third-Party Services, such as third-party social networks (“**Social Features**”). Examples of Social Features include: enabling you to send content between the Service and a Third-Party Service and to otherwise connect the Service to a Third-Party Service (e.g., to pull or push information to or from the Service such as through LinkedIn Job Match). If you use Social Features, and potentially other Third-Party Services, information you post or provide access to may be publicly displayed by the Third-Party Service that you use. Similarly, if you post information on a third-party service that references the Service (e.g., by using a hashtag associated with AvalonBay in a tweet or status update), your post may be used on or in connection with the Service or otherwise by AvalonBay. Also, both AvalonBay and the third party may have access to certain information about you and your use of the Service and any Third-Party Service.

AvalonBay is not responsible for, and makes no representations regarding, the policies or business practices of any third parties, including, without limitation, analytics Service Providers and Third-Party Services associated with the Service, and encourages you to familiarize yourself with and consult their privacy policies and terms of use.

## 6. SECURITY

While we take reasonable steps to secure your Personally Identifiable Information, no data transmission over the Internet can be guaranteed to be completely secure. Likewise, no storage or processing of your Personally Identifiable Information on the Service or on other servers or databases to which the information may be transferred can be guaranteed to be completely secure. Please consider this prior to submitting your Personally Identifiable Information to us via the Service.

We use current security measures to safeguard your AvalonBay-Collected PII. These security measures may result in the collection, recording, and analysis of online activity or communications through our Service. If you do not consent to these conditions, you must discontinue your use of the Service.

### *Children*

The Service is intended only for adults over the age of eighteen (18) and is not directed to children younger than age eighteen (18). AvalonBay also does not knowingly collect Personally Identifiable Information from children under the age of thirteen (13) on the

Service and will delete any information if later determined to be from a person younger than age thirteen (13) as required by applicable law.

Any California residents under the age of eighteen (18) who have registered to use the Service, and who posted content or information on the Service, can request removal by contacting AvalonBay at [privacy@avalonbay.com](mailto:privacy@avalonbay.com), detailing where the content or information is posted and attesting that you posted it. AvalonBay will then make reasonable good faith efforts to remove the post from prospective public view or anonymize it so the minor cannot be individually identified to the extent required by applicable law. This removal process cannot ensure complete or comprehensive removal. For instance, third parties may have republished or archived content by search engines and others that AvalonBay does not control.

## **7. PRIVACY POLICY CHANGES**

This Policy may change prospectively from time to time effective upon posting of the updated notice on our Service. Your continued use of the Service after we make changes is deemed to be acceptance of those changes, so please review this Policy periodically for updates. To the extent any provision of this Privacy Policy is found by a competent tribunal to be invalid or unenforceable, such provision shall be severed to the extent necessary for the remainder to be valid and enforceable.

## **8. EXERCISING CONTROL OVER YOUR PERSONALLY IDENTIFIABLE INFORMATION**

In general, you may browse the Service without providing Personally Identifiable Information. However, if you choose not to provide certain information through the Service or a Portal Site, we may not be able to provide certain services or process certain of your requests. You may not be able to submit an application for employment or residency, may not be able to access resident services online, or otherwise use all of the features and products that we make available online.

### *Updating your information*

Depending on the functionality associated with the Service feature you are using, you may be able to update certain of your Personally Identifiable Information on the Service by following the instructions provided there.

### *Communications*

You can opt out of receiving certain promotional communications (emails or text messaging) from us at any time by (i) for promotional e-mails, following the instructions provided in emails to click on the unsubscribe link, or if available by changing your communication preferences by logging onto your account; [and] (ii) for text messages, following the instructions provided in text messages from AvalonBay to text the word, "STOP" [.] [; and (iii) for app push notifications turn off push notifications on the settings of your device and/or the app, as applicable]. Please note that your opt-out is limited to the e-

mail address or phone number used and will not affect subsequent subscriptions. If you opt-out of only certain communications, other subscription communications may continue. Even if you opt out of receiving promotional communications, we may, subject to applicable law, continue to send you non-promotional communications, such as those about your account, transactions, servicing, or AvalonBay's ongoing business relations.

#### *Consent to transfer*

The Service is operated in the United States. Your Personally Identifiable Information will be processed and shared in the United States, where data protection and privacy regulations may provide different levels of protection compared with non-United States jurisdictions. Your use of the Service or provision of any information therefore constitutes your consent to the transfer to and from, processing, usage, sharing, and storage of your information, including Personally Identifiable Information, in the U.S. as set forth in this Privacy Policy.

### **8.1 California, Connecticut, And Nevada Residents**

#### *Your California Privacy Rights*

We have a separate notice regarding rights of California Consumers, which is available [here](#).

#### *Connecticut Residents*

Connecticut law requires any person or entity that collects Social Security numbers from Connecticut residents in the course of business to create a privacy protection policy and to publish or display it publicly. It is our policy to protect the confidentiality of Social Security numbers in our possession from misuse and improper disclosure by maintaining and enforcing policies and physical and electronic safeguards against misuse and improper disclosure. Unlawful disclosure of Social Security numbers is prohibited, and access to them is limited to personnel who need access to such information in order to perform their job functions.

#### *Nevada Residents*

We may "sell" "covered information" of Nevada "consumers" as those terms are defined by Chapter 603A of the Nevada Revised Statutes, and a Nevada "consumer" can opt-out of sale under the Nevada Revised Statutes by accessing our Do Not Sell My Information form [here](#).

### **8.2 EU Residents**

AvalonBay provides services exclusively within the United States ("**U.S.**"), and does not own or manage property outside the U.S., intentionally market its services extraterritorially, or have a presence outside the United States, including in the European Union ("**EU**"), any EU-Member State, or any state belonging to the European Economic Area

("EEA") and/or the United Kingdom. AvalonBay also does not market its services to individuals in Europe, including EU/EEA/UK residents.

### *Retention*

AvalonBay retains all data collected according to this Policy. While we do not currently purge such data, it is encrypted in the storage database.

## **9. QUESTIONS**

If you have any questions about this Privacy Policy, you may contact us by email at [privacy@avalonbay.com](mailto:privacy@avalonbay.com).

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