



**AWM Capital, LLC  
Privacy Notice  
April 20, 2023**

Maintaining your trust is our priority, so your privacy is very important to us. AWM Capital, LLC (“AWM Capital,” “we,” “our,” or “us”) respects your privacy and is committed to protecting it through our compliance with this Privacy Notice. We believe you have the right to know what information we collect, how we use it, and what security measures we have taken and will continue to take to protect your information.

This Privacy Notice supplements the information in AWM Capital’s Advisory Agreement. It applies solely to visitors, users, and others who engage us for investment advisory services, financial planning, and consulting (collectively, “Services”). We adopt this notice to comply with Federal law, the Gramm-Leach-Bliley Act (GLBA), and the California Consumer Privacy Act of 2018 (“CCPA”). Any terms defined in the GLBA or CCPA will have the same meaning when used in this notice. Capitalized terms used but not otherwise defined herein or in the GLBA or CCPA shall have the meanings given to such terms in our Customer Privacy Policy Notice.

## **Information We Collect**

### ***Personal Information***

Our Services collect information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device (“personal information”). AWM Capital’s Services have collected the following categories of personal information from its consumers within the last twelve (12) months:

1. **Identifiers:** First name, maiden name, last name, physical address, email address, telephone number, username, Internet Protocol (IP) address, account name.
2. **Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)):** A name, address, telephone number, education, employment, employment history, and, if you are a client, your financial information (including a bank account number.) Some personal information included in this category may overlap with other categories.

3. **Protected classification characteristics under California or federal law:** AWM Capital does not request or require you to provide protected classification characteristics. However, please carefully consider the information in your new account application, investor profile, and investment management agreement to ensure that you are not providing any protected classification characteristics unnecessary for your engagement with us as your investment advisor.

Protected classification characteristics include your age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, genetic information (including familial genetic information), and veteran or military status.

Advisors may request a veteran, military status, or marital status following applicable law, and you may choose whether to submit that information with your new account application.

- a. **Commercial information:** Records of products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies, such as details about payments to and from you and details regarding the services that you have engaged us to provide to you or which investments are included in your portfolio.
- b. **Internet or similar network activity:** Cookie data and other similar activity concerning an interaction with our Services.
- c. **Geolocation data:** IP Address.
- d. **Professional or employment-related information:** Job industry, employer information, years in industry or with current employer, job applications, and any information provided in a resume/CV or job seeker profile (including, but not limited to, executive summary, objective, current or prior work experience, and education).

Note: AWM Capital has not collected any of the following categories of personal information from consumers within the last twelve (12) months:

- a. Biometric information (such as genetic, physiological, behavioral, and biological characteristics or activity patterns used to extract a template or other identifier or identifying information, such as fingerprints, faceprints,

- voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data)
- b. Sensory data (such as audio, electronic, visual, thermal, olfactory, or similar information)
  - c. Non-public education information, per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)) (such as education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.

### ***Non-Personal Information***

AWM Capital uses de-identified or aggregated consumer information, which is not considered personal information. Deidentified or aggregated data may be derived from your personal information but is not considered personal information under CCPA since it does not directly or indirectly reveal your identity. For example, we may aggregate your Internet or similar network activity to calculate the percentage of users accessing a specific website feature.

### ***Sources of Personal Information***

We obtain the categories of personal information listed above from the following categories of sources:

- **Directly from you.** For example, when you fill in forms, create an account, submit your investor profile, or correspond with us by post, phone, e-mail, or otherwise and when you use our Site.
- **Indirectly from you.** For example, through automated technologies or your interactions with us, including observing your actions when you use our website.
- **Third Parties.** We may receive personal information about you from various third parties, such as other professionals, including, but not limited to, other investment advisors, financial planners, custodians, broker-dealers, accountants, and attorneys.
- **In our capacity as a service provider** (see Section 5. below).

### **Use Of Personal Information**

To conduct regular business, AWM Capital collects personal information from sources such as:

- Information the client reports on applications or other forms the client provides us.
- Information about the client's transactions implemented by the firm or others.
- Information developed as part of financial plans, analyses, or investment advisory services.

To administer, manage, service, and provide related services for client accounts, AWM Capital must provide customer information within the firm and nonaffiliated companies with whom the firm has entered into agreements. To provide the utmost service, we disclose the information below regarding clients and former clients, as necessary, to companies to perform certain services on our behalf.

- Information AWM Capital receives from the client on applications (name, social security number, address, assets, etc.)
- Information about the client's transactions with the firm or others (account information, payment history, parties to transactions, etc.)
- Information concerning investment advisory account transactions.
- Information about a client's financial products and services transaction with AWM Capital

Pursuant to the CCPA, we may use the personal information we collect for one or more of the following business or commercial purposes:

- To fulfill or meet the reason the personal information is provided. For example, if you provide your personal information to create an account, we will use that information to create your account and provide investment advice.
- To create, maintain, manage, customer, or secure your account with us.
- To communicate with you about your account or our Services and to manage our relationship with you.
- To support you and to respond to your inquiries, including investigating and addressing your concerns and monitoring and improving our responses.
- To send you communications such as articles, e-newsletters, information on client events, and our services.
- To maintain certain of your information on a suppression list if you've indicated that you don't want to be communicated with in a particular way.
- To enable our website to function correctly (ensure proper display of content), create and remember your account login details and for interface personalization, such as language or any user-interface customization.
- To provide, support, personalize, and develop our Services.

- To process your requests, transactions, and payments and prevent transactional fraud.
- To carry out our obligations and enforce our rights arising from any contracts between you and us, including for billing or collections, or manage payment disputes or issues with the services.
- To help maintain the safety, security, and integrity of our Services, databases, and other technology assets and business.
- To detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, and prosecute those responsible.
- For testing, research, analysis, and product development, including collecting statistics and developing and improving our website or Services.
- For debugging to identify and repair errors that impair the existing intended functionality of our website or Services.
- To respond to law enforcement requests as required by applicable law, court order, or governmental regulations.
- As described to you when collecting your personal information or as otherwise outlined in the CCPA.
- In connection with or during negotiations of any proposed or actual financing, merger, purchase, sale, sale or transfer of some or all of our assets or stock, joint venture, or any other type of financing, acquisition, or business combination of our company, or all or any portion of our assets, or transfer of all or a portion of our business to another company, including without limitation in the event of a divestiture, restructuring, reorganization, dissolution or other events, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which personal information held by AWM Capital is among the assets transferred.

AWM Capital will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

## **Sharing Personal Information**

### **a. Disclosures of Personal Information at Your Direction**

We disclose your personal information when you intentionally interact with third parties and direct us or intentionally use AWM Capital to share your personal information in connection with the services we provide to you. For example, as an investor, you may seek the services of third parties with whom we have an existing relationship, or you may have participated in an event hosted by us and a third party. In these circumstances, we may

share your personal information with the third party and/or their agents or representatives.

Separate from the CCPA, California's Shine the Light law gives California residents the right to ask companies what personal information they share with third parties for those third parties' direct marketing purposes. We do not disclose your personal information to third parties to directly market their goods or services to you unless you request such disclosure.

#### b. Disclosures of Personal Information for a Business Purpose

In our Advisory Agreement, we describe the context in which your personal information may be disclosed to or shared with a third party. Pursuant to the CCPA, AWM Capital has disclosed the following categories of personal information for a business purpose in the preceding twelve (12) months:

- Category A: Identifiers – Name, address, social security number, birthdate
- Category B: California Customer Records personal information categories
- Category C: Protected classification characteristics under California or federal law
- Category D: Commercial information
- Category G: Professional or employment-related information

We may disclose your personal information for business purposes to third parties as identified in our Customer Privacy Policy Notice, depending on how you use or interact with our website or services. This may include disclosure of personal information to the following:

- Service providers that we use to support our business, provide services to us, and/or help provide our services to you.
- Professionals such as lawyers, bankers, auditors, and insurers who provide consultancy, banking, legal, insurance, financial planning or consulting, auditing, and accounting services to us so we can provide additional products and services to you to meet your financial needs.
- Taxing authorities, such as the Internal Revenue Service and other authorities acting as processors who require reporting of processing activities in certain circumstances.
- Fraud prevention and identity verification services where we believe disclosure is necessary or appropriate to protect the rights, property, or safety of AWM Capital, our customers, or others. This includes exchanging information with third parties for fraud detection, prevention, and risk reduction.

- Law enforcement agencies, courts, supervisory authorities, regulatory bodies, and certain other third parties, to the extent that we are permitted or required to do so by law, or to comply with our legal and regulatory obligations, or in the interests of national security, or to respond to verified requests relating to a criminal investigation or alleged or suspected illegal activity.
- To enforce agreements with you, to respond to, and defend us against claims asserted against us, to protect the rights, property, or safety of AWM Capital, our services, customers, or others, or to investigate, prevent, or act regarding suspected or actual illegal activities or for debt collection.
- In connection with or during negotiations of any proposed or actual financing, merger, purchase, sale, sale, or transfer of some or all our assets or stock, joint venture, or any other type of financing, acquisition, or business combination of our company, or all or any portion of our assets, or transfer of all or a portion of our business to another company.

#### c. Sale of Personal Information

Your privacy is our priority, and we do not monetize your personal information by selling it to third parties.

#### d. Your Rights and Choices

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how you can exercise them.

#### e. Access to Specific Information and Data Portability Requests

You may request that AWM Capital disclose certain information about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request (see Exercising Access, Data Portability, and Deletion Requests below), we will disclose to you:

- The categories of personal information we collected about you.
- The categories of sources for the personal information we collected about you.
- Our business or commercial purpose for collecting or selling that personal information.
- The categories of third parties with whom we share that personal information.
- The specific personal information we collected about you (also called a data portability request).

If we disclosed your personal information for a business purpose, two separate lists disclosing: (i) sales, identifying the personal information categories that each category of recipient purchased; and (ii) disclosures for a business purpose, identifying the personal information categories that each category of recipient obtained.

#### f. Deletion Requests

You may request that AWM Capital delete any of the personal information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see Exercising Access, Data Portability, and Deletion Requests), we will delete (and direct our service providers to delete) your personal information from our records unless an exception applies.

We may deny your deletion request, in whole or in part, in accordance with any purpose permitted by the CCPA. For example, we may deny your deletion request if retaining the information (or a portion thereof) is necessary for us or our service provider(s) to:

- Complete the transaction for which we collected the personal information, provide a product or service you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you;
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities;
- Debug products to identify and repair errors that impair existing intended functionality;
- Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law;
- Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 et. seq.);
- Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us;
- Comply with a legal obligation; and/or
- Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

#### g. Exercising Access, Data Portability, and Deletion Requests

To exercise an access, data portability, or deletion request as described above, please submit a verifiable consumer request to us in one of the following ways:



- Send an email to [info@awmcap.com](mailto:info@awmcap.com) to inquire as to which elements of your information to find out what we can delete.
- Only you or a person registered with the California Secretary of State you authorize to act on your behalf may make a verifiable consumer request related to your personal information.

You may only make a verifiable consumer request for access or data portability twice within 12 months. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative; and
- Describe your request with sufficient detail that allows us to understand, evaluate, and respond to it properly.

We will only use personal information provided in a verifiable consumer request to confirm the requestor's identity or authority to make the request.

#### h. Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of receipt. We will inform you of the reason and extension period in writing if we require more time. Our disclosures will only cover the 12 months before receipt of the verifiable consumer request. Our response will also explain why we cannot comply with a request, if applicable.

For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance, e.g., through an Excel or JSON file format.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide a cost estimate before completing your request.

#### i. Opting Out from the Sale of Personal Information

We do not sell your personal information. We will only use and share your personal information according to this Privacy Policy and as outlined in our Investment Advisor Agreement. If we later decide to sell our client's personal information, you will be notified

immediately, and you will be provided with the proper disclosures and the opportunity to exercise your right to “opt-out”.

#### j. Non-Discrimination

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Charge you different prices or rates for goods or services.
- Provide you with a different level or quality of products or services except as described in our Form ADV Part 2A or our Advisory Agreement.
- Suggest that you might receive a different price or rate for products or services or a different level or quality of products or services except as otherwise described in our Form ADV Part 2A or Investment Advisory Agreement.

### **AWM Capital as a Service Provider**

In certain instances, a third party may hire AWM Capital to provide services on behalf of their client. In such cases, we process personal information under the direction of that third party as a service provider, and we have no direct relationship with the individuals (investors) whose personal information we process.

Where AWM Capital acts as a service provider, it will collect, retain, use, disclose, and/or otherwise process personal information (i) to fulfill AWM Capital’s obligations to perform the services pursuant to a written agreement with the third party; (ii) pursuant to a valid business purpose, as permitted under the CCPA; and/or (iii) as otherwise directed by the third party in writing. Where AWM Capital processes personal data in the capacity of a service provider, we will not sell that personal information or otherwise retain, use, or disclose personal information for any commercial purpose except as otherwise directed by the third party in writing.

In addition to the purposes set forth above, AWM Capital may collect, retain, use, disclose, and otherwise process personal information in the context of a service provider to:

- Comply with applicable laws;
- Comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, or local authorities;
- Cooperate with law enforcement agencies concerning conduct or activity that the third party or AWM Capital reasonably and in good faith believes may violate federal, state, or local law;

- Exercise or defend legal claims; and/or
- Collect, use, retain, share, or disclose information that has been aggregated or de-identified in accordance with the CCPA.

Where AWM Capital processes your personal data in the capacity of a service provider, and you seek access or want to correct, amend, or delete your personal data or have another request, we will provide you with the third party's contact information so that you can contact them directly. In rare instances, however, circumstances may necessitate us to assist you with your question or request.

## **Security**

AWM Capital will make every effort to protect the privacy and security of your personal information. We are committed to keeping personal information secure and have implemented the appropriate information security practices, policies, rules, and technical measures to protect the personal information under our control from unauthorized access, improper use or disclosure, unauthorized modification and unlawful destruction or accidental loss.

Our employees, consultants, temporary workers, and data processors (i.e., those who process your personal information on our behalf and for the purposes listed above) who have access to and are associated with processing your personal information are obligated to respect the confidentiality of your personal information. They must comply with AWM Capital's privacy policies.

## **Contact Information**

If you have any questions or comments about this notice, how AWM Capital collects and uses the information described herein, or your choices and rights regarding such use, please contact us.

AWM Capital  
11201 N Tatum Blvd.  
Suite 300-27333  
Phoenix, AZ 85028  
323-940-1339  
[info@awmcap.com](mailto:info@awmcap.com)