

The Orange County Transportation Authority (“OCTA”) is committed to safeguarding the integrity and confidentiality of the personally identifiable information of the people who use the 405 Express Lanes. This Privacy Policy explains how we collect, share, use and protect your information when you use the 405 Express Lanes, open an account or visit or use our online services at www.405ExpressLanes.com. This Privacy Policy is incorporated into the terms of your account agreement with OCTA.

Information We Collect

Personally Identifiable Information

We collect personally identifiable information that identifies or describes you, including, but not limited to, your name, address, telephone number, billing address, e-mail address, credit card number and expiration date, bank account information, tracking information for checks or money orders, license plate numbers, photographs, and travel data, including the date, time and location of toll transactions (referred to in this Privacy Policy as “Personal Information”). We may also obtain and use your social security number for enforcement purposes. OCTA recognizes the need for reasonable control of Personal Information. As used in this Privacy Policy, “we” and “our” refers to OCTA.

Website Data Collection

When you use the 405 Express Lanes website, some information may be automatically collected from your computer browser, including your computer’s Internet Protocol address, the type of operating system and web browser you use and related information. We may also automatically track certain information about your visits to our website such as the time and date of use, the pages you visit, and the time spent on those pages. This information is intended to help us improve your experience using our website.

Cookies

A cookie is a text file stored by a web server on a computer or mobile device when you visit a website. This data in a cookie often consists of a string of numbers and letters that uniquely identifies your computer, but it can contain other information as well. Cookies are unique to the browsers or mobile applications you use and enable websites to store data such as your preferences, your log-in information for your account, or items in a shopping cart.

Like many other websites or Internet service providers, we use session cookies to improve user experience. A “session” cookie is a cookie that is placed on your computer or mobile device when you access the website and is deleted when your session is closed. We only use session cookies for the following purposes:

Necessary Cookies: For the “My Account” section of the 405 Express Lanes website, it is necessary for us to use a cookie so that you can properly access your account and ensure that the website will work properly. If a cookie was not used for this purpose, the website would treat you as a new visitor every time you load a new web page and you would need to re-enter your account information. The data that is stored by this cookie is information such as your User ID, name, your 405 Express Lanes plan and similar information that is necessary to navigate and use the “My Account” section of the website. The cookie collects this information for use only during the duration of your visit to the website and automatically deletes after a short period of time if your browsing session is inactive.

Analytical Cookies: We may use first or third-party cookies such as Google Analytics to collect information and other identifiers to gather usage and performance data concerning our website. For example, we use cookies to count the number of unique visitors to a web page, the time you spend on site, which information or links you access and the site that referred you to our website. This allows us to gather statistics the use of our website and identify areas that can be improved. No personal identifying information is collected by our analytical cookies and the statistics are aggregated with the information collected from other users.

You can manage or delete cookies based on your own preferences. You can clear all the cookies stored on your computer, and most web browsers provide the option of blocking cookies. Find out how to manage cookie settings for your browser here:

Chrome: <https://support.google.com/chrome/answer/95647?hl=en>

Internet Explorer: <https://support.microsoft.com/en-gb/help/17442/windows-internet-explorer-delete-manage-cookies>

Firefox: <https://support.mozilla.org/en-US/kb/cookies-information-websites-store-on-your-computer?redirectlocale=en-US&redirectslug=Cookies>

Safari: <https://support.apple.com/guide/safari/manage-cookies-and-website-data-sfri11471/mac>

Opera: <https://www.opera.com/help>

For additional information on cookies, you can visit:

- https://en.wikipedia.org/wiki/HTTP_cookie
- <https://www.consumer.ftc.gov/articles/0042-online-tracking>

Use of Information

We use Personal Information in a number of ways, such as:

- Processing applications and transactions;
- Responding to your requests and communicating with you;
- Managing your account;
- Facilitating the use of transponders issued by one California toll facility operator on other California toll facilities;
- Identifying users of the 405 Express Lanes who travel without a transponder associated with a valid account;
- Collecting payment for toll evasion violations;
- Performing analytics concerning your online use;
- Requesting your participation in customer surveys or research.
- When utilizing Live Verification contact information and bank account information will be used to verify account validity, check writing history, or fund balances with a third-party.

Disclosure of Information

We use third-party service providers to facilitate our services. Those service providers collect and use your Personal Information to perform those services on our behalf. While performing those services, they sometimes disclose Personal Information to other service providers or third parties. Your Personal Information will not be disclosed other than as set forth in this Privacy Policy. We will not sell your Personal Information to third parties. Examples of third-party collection and/or disclosures of your Personal Information include the following:

- The contractor who manages the day-to-day operations of the 405 Express Lanes on our behalf, performs customer service, account establishment and management, and enforcement activities. They collect, store and use Personal Information on behalf of OCTA in accordance with this Privacy Policy.
- Payment processing requires disclosure of your payment information to financial institutions, merchant service providers, and credit card companies.

- If a vehicle uses the 405 Express Lanes without a transponder tied to a properly funded account, the license plate number is used to obtain the name and address of the registered owner of the vehicle from the relevant state department of motor vehicles (or its equivalent). If the alleged violation cannot be resolved by our contractor, Personal Information of the violator (including name, address, toll and penalty amount, and the dates, times and locations of the violations) is forwarded to a third-party subcontractor for further collection efforts. If administrative review is sought, Personal Information related to the violation(s) is provided to a third-party administrative hearing officer. If violations are not resolved, Personal Information relating to the violations may be disclosed to address location services, state departments of motor vehicles, the California Franchise Tax Board, contracted legal counsel, collections agencies and courts. If your social security number is needed for one or more enforcement options, your name and address will be provided to a third-party company for purposes of obtaining that number. Your social security number may then be provided to a different third-party company to confirm your identity.
- If you drive a rental car or fleet vehicle on the 405 Express Lanes without a valid FasTrak transponder, we will notify the company to whom the vehicle is registered, or the company's third-party contracted processing agency. We may provide, among other things, the plate number, image of the vehicle plate, toll and penalty amounts owed, and the date, time and location of each trip.
- Mailing and delivery of account notifications, transponders, toll evasion violation notices and other notices related to your account or use of the 405 Express Lanes is performed by third-party mail houses, in conjunction with address notification services and the United States Postal Service.
- We share some Personal Information with operators of other toll facilities to facilitate the use of a single FasTrak transponder on multiple toll facilities – referred to as “interoperability.” We provide other toll facility operators with, among other things, transponder identification numbers, account numbers and license plate numbers associated with valid 405 Express Lanes FasTrak accounts. Those other toll facility operators provide similar information to us about their FasTrak account holders. This allows participating toll facility operators to easily recognize valid FasTrak accounts. If you have a FasTrak account with an entity other than OCTA and you use your transponder to drive on the 405 Express Lanes, we will send the agency managing your account basic information about your use of the 405 Express Lanes so that those transactions can be included on your account statement. That information may include, but is not limited to, your transponder identification number, your account number, your license plate number, the toll amounts owed and/or other charges, and the date, time and location of each toll transaction. If you are a 405 Express Lanes FasTrak account holder and you use other toll facilities, the operators of those other facilities will provide us with similar information about your use of their toll facilities.
- Website analytics is performed by a third-party provider, and Personal Information may be disclosed for this purpose.
- Customer survey or research is performed by third-party providers and your name, address, account number, telephone number, basic traffic pattern, and/or email address will be provided for this purpose, but only if you have consented to participate.
- Personal Information may be provided to law enforcement upon receipt of a warrant, or upon a written certification from a peace officer that waiting for a warrant would be detrimental to an investigation or expose law enforcement officers to danger. Such information may include, but is not necessarily limited to, your name, address, license plate number, photographs of your vehicle, and data relating to your use of the 405 Express Lanes.

We may aggregate non-personally identifying information about you and your use of our services, and we may disclose such information in the aggregate to companies that provide our funding, technology and corporate expertise, or our advertisers, analysts, alliance partners, or service providers. Aggregate information may also be publicly released in reports presented to the board of directors of OCTA or its operating partners, who ultimately oversee the operations of the 405 Express Lanes.

Retention of Personal Information

For our records, we may retain original and updated information for business reasons related to our services. These business reasons include technical constraints, dispute resolution, troubleshooting, agreement enforcement, account management, toll violation enforcement and standard record keeping. Except for basic account information such as your name, credit card number or other payment information, billing address, and vehicle information which is required to perform account functions such as billing, account settlement, or enforcement activities, we will not retain your Personal Information for more than four years and six months after the closure of each billing cycle, provided that all tolls and/or toll violations assessed during that billing cycle have been paid or otherwise resolved.

We will take every effort, within practical business and cost constraints, to purge your Personal Information within four years and six months after the date that your account with the 405 Express Lanes is closed or terminated. Information deemed reasonably necessary for collection and/or enforcement of unpaid tolls and/or toll violation penalties will not be purged unless and until those issues are resolved.

We may also disclose and transfer your Personal Information in the event that some or all of the assets of the 405 Express Lanes are sold or otherwise transferred, or in the unlikely event of a reorganization of OCTA or its operating partners.

Changes to this Privacy Policy

OCTA reserves the right to update, modify, or rescind this Privacy Policy from time to time and in a manner consistent with state law. We will notify you in writing via e-mail, in one or more of your account statements, or other authorized method of communication of any material change in this Privacy Policy before that change goes into effect. If there is a material change in this Privacy Policy, the change will be reflected in the policy posted on our website.

How to Contact Us

If you have any questions about this Privacy Policy, please write to:

405 Express Lanes
1535 Scenic Ave., Ste. 125
Costa Mesa, CA 92626

Updating your Personal Information

If you wish to review your Personal Information, you may do so by contacting the 405 Express Lanes Customer Service Center at (562)740-4405 or by logging into your account at www.405ExpressLanes.com. You may request changes to your Personal Information by contacting the Customer Service Center.