

PRODUCT SPECIFICATIONS FOR ON-SITE CRIMINAL BACKGROUND CHECK

UPDATED: March 5, 2020

These Product Specifications describe the current functionality and certain dependencies of the above-referenced product center (the “Product Center”). Access to and use of the Product Center is governed by an underlying agreement and, as applicable, addendum (collectively, the “Agreement”) with RealPage, Inc. and, as applicable, its affiliates (collectively referred to herein as the “Provider” “we” or “us”). Capitalized terms used in these Product Specifications have the meanings provided in the Agreement unless otherwise defined herein.

Subject to the terms of the Agreement, these Product Specifications may be modified at any time. If we modify these Product Specifications, we will post the updated version at <http://www.specifications.controls.realpage.com> and update the “Updated” date above. We recommend that you review these Product Specifications periodically for any changes. Your continued access to or use of the Product Center will constitute your acceptance of the updated Product Specifications.

1. AUTHORIZED USERS AND PASSWORD

Provider will provide the licensee under the Agreement (“Licensee”) with a user name and password permitting Authorized Users to access the Product Center. Licensee is responsible for the protection and dissemination of such user name and password and for any activities or actions occurring under Licensee’s account or log-in credentials—including, without limitation, for any losses or damages resulting from the loss, theft or misuse of or failure to protect any such user name or password. Licensee will permit only Authorized Users to access the Product Center, will ensure that all Authorized Users comply with the terms and conditions set forth in the Agreement and herein, and will not permit any person that ceases to be an Authorized User to continue to use a user name or password.

2. OVERVIEW OF ON-SITE CRIMINAL BACKGROUND CHECK

ON-SITE CRIMINAL BACKGROUND CHECK offerings may be customized in a myriad of ways. Although explained both individually and in combination under Detailed Specifications, common criminal check offerings include:

- Multistate Instant: An instant search of 47 states, with no manual On-Site review for “completeness” of returned offense information.
- Multistate with Review: An instant search of 47 states including manual review by the On-Site research team to limit missing elements inherent in an instant search and thus attempting to reduce “false positive” matches.
- Multistate and live with review: An instant search of 47 states plus a manual “live” search by On-Site’s research team and network of court runners where instant data contains insufficient detail (either in terms of geographic coverage or incomplete data returned via the instant search), plus the aforementioned manual review.
- Arrest record supplement: On-Site does not match on arrests, non-convictions, dismissals, or pending cases by default. However, there are two distinct settings – one to control pending cases, and another to control any other type of non-conviction, adjudicated cases and arrests – for clients who wish to consider that information.
- Sex offender search: On-Site’s sex offender search incorporates all 50 states plus D.C and includes photos.

3. DETAILED SPECIFICATIONS FOR ON-SITE CRIMINAL BACKGROUND CHECK

This section outlines the major capabilities of ON-SITE CRIMINAL BACKGROUND CHECK:

3.1. Multistate Instant

- a. The On-Site national criminal database consists of more than 1,100 sources, comprises nearly one billion records, and covers more than 90% of the population.
- b. It includes every U.S. county from which electronic records are available – currently counties within 47 states.
- c. Data contains records from the Department of Corrections (DOC), Administrator of the Courts (AOC), and most-wanted lists.
 - (i) Department of Corrections: The state agency that aggregates and stores criminal records from the state’s prison/penitentiary system. The data covers people who went to state prison; that is, people with felonies. Misdemeanors are reported from the DOC only if they are in conjunction with a felony.
 - (ii) Administrator of the Courts: The state agency that aggregates and stores criminal records from each court in the state. It is considered a “one-stop shop” for criminal court data, and records include both felonies and misdemeanors.
 - (iii) The search includes 36 AOC resources and 67 DOC resources. (Some states have separate repositories for new cases and archived ones, hence the higher number of resources than states.)
- d. Database records are updated as often as weekly, and as infrequently as quarterly, depending on the jurisdiction’s schedule.
- e. States not included in the multistate instant are Delaware, Massachusetts, Wyoming, and South Dakota.
- f. Criminal record matches:
 - (i) Criminal matches are based on an applicant’s full name and birth year (age).
 - (ii) Criminal records are also matched on similar sounding names using phonetic recognition technology.
 - (iii) The search also checks for aliases, maiden names, and nicknames to help match and confirm a criminal record.
 - (iv) On-Site will not match an individual to a criminal record if there are any significant conflicts between these indicators.
 - (v) For partial matches where conflicts are less significant or where a record is incomplete, the system can either trigger a manual review by On-Site’s criminal researchers (see Multistate with Review), or can be set to auto-return the information on the rental report for review by the client’s staff.
- g. Address coverage includes the applicant’s stated address at time of application, as well as additional addresses returned by the credit bureau.
- h. Each state governs how far back in time a search may go; however, 7-10 years is typical.
- i. Matching criminal record information is pushed back to the client via On-Site’s online leasing platform and report results can be detailed or high level, depending on client configuration.

3.2. Multistate with Review

- a. Included with Multistate Instant is an optional manual review service utilizing On-Site’s team of criminal researchers to help ensure true record matches (i.e. eliminate “false positives”).
- b. Manual review occurs when there are only partial matches to a possible criminal record or where a record itself is incomplete, such as file/disposition dates, offense type or severity, case outcome, or any other scenario where the previously noted matching logic cannot determine a match.

3.3. Multistate and Live with Review

- a. When an applicant's history includes regions that are not covered by the Multistate Instant search, On-Site triggers a "live" local search of each county, based upon configuration, to fill in the gaps.
- b. In addition to a single county live, On-Site's system is set up to conduct clustered live searches in regions that are part of a larger decentralized metropolitan area, and adjacent counties are checked to ensure adequate coverage.
- c. Live research is conducted either virtually or by visiting a courthouse in person using On-Site's national network of court runners.
- d. The scope of the live criminal search is automatically ordered using pre-established rules to prevent inconsistencies and Fair Housing concerns.
- e. For counties with notoriously long wait times, clients may specify a delay tolerance to prevent a community from waiting weeks for a result.
- f. In addition to the previously noted four states not included in the multistate search, portions of California, North Carolina, and Florida (among others) fall into the live category as well, due to incomplete records or seldom updated files.

3.4. Arrest Record Supplement

- a. Arrest record supplement allows clients to be able to see an applicant's non-conviction charges; i.e., charges that have been dismissed or are "arrest only."
- b. Non-conviction data is not available for properties in Kentucky, California, New Mexico, or Washington, as those states have laws prohibiting the report of arrest/dismissed charges.
- c. The default setting for this feature is "Off" in On-Site's system, unless otherwise enabled.

3.5. Sex Offender Search

- a. On-Site maintains over 75 sex offender data sets, and refreshes each monthly, exceeding what is available on the Dru Sjodin website.
- b. Coverage includes the public registry in each state, as well as many U.S. possessions and sovereign Native American nations.

4. CALIFORNIA CONSUMER PRIVACY ACT OF 2018 ("CCPA") DATA PROCESSING STATEMENT

This CCPA Data Processing Statement applies to "Personal Information" of a "Consumer" as those terms are defined under the CCPA (referred to hereafter as "Personal Data") that RealPage processes in the course of providing services under the Product Center ("Services") governed by the Agreement to Customer.

RealPage understands the terms in this CCPA Data Processing Statement and agrees to comply with them. The terms of this CCPA Data Processing Statement will prevail in connection with the purpose and scope of this CCPA Data Processing Statement over any conflicting terms in the Agreement.

- 4.1. Customer's Role. The Customer is a for profit entity that determines the purpose and means of processing Personal Data. Customer will provide Personal Data to RealPage solely for the purpose of RealPage performing the Services.
- 4.2. RealPage's Role. RealPage shall provide the Services and process any Personal Data in accordance with the Agreement. RealPage may not retain, use, or disclose Personal Data for any other purpose other than for providing the Services and in performance of the Agreement.
- 4.3. Data Processing, Transfers, and Sales. RealPage will process Personal Data only as necessary to perform the Services, and will not, under any circumstances, collect, use, retain, access, share, transfer, or otherwise process Personal Data for any purpose not related to providing such Services. RealPage will refrain from taking any action that would cause any transfers of Personal Data to or from RealPage to qualify as "selling personal information" as that term is defined under the CCPA.

- 4.4. Sub-Service Providers. Notwithstanding the restrictions in Section 2.3, Customer agrees that RealPage may engage other Service Providers (as defined under the CCPA), to assist in providing the Services to Customer (“Sub-Service Providers”). RealPage carries out appropriate due diligence on each Sub-Service Provider and the arrangement between RealPage and each Sub-Service Provider is governed by a written contract which includes terms substantially equivalent to those set out in this CCPA Data Processing Statement.
- 4.5. Security. RealPage will use commercially reasonable security procedures that are reasonably designed to maintain an industry-standard level of security, prevent unauthorized access to and/or disclosure of Personal Data.
- 4.6. Retention. RealPage will retain Personal Data in accordance with Customer instructions, the terms of the Agreement, or any applicable law(s), whichever requirement is controlling under the circumstances. At the termination of this CCPA Data Processing Statement, or upon Customer’s written request, RealPage will either destroy or return Personal Data to the Customer, unless legal obligations require storage of the Personal Data.
- 4.7. Assistance with Consumers’ Rights Requests. If RealPage, directly or indirectly, receives a request submitted by a Consumer to exercise a right it has under the CCPA in relation to that Consumer’s Personal Data, it will provide a copy of the request to the Customer. The Customer will be responsible for handling and communicating with Consumers in relation to such requests.
- 4.8. Enforceability. Any provision of this CCPA Data Processing Statement that is prohibited or unenforceable shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof. The parties will attempt to agree upon a valid and enforceable provision that is a reasonable substitute and shall then incorporate such substitute provision into this CCPA Data Processing Statement.