

Privacy Notice for California Applicants & Employees

The California Consumer Privacy Act, as amended by the California Privacy Rights Act, and its implementing regulations (collectively, the “CCPA”), gives California residents certain rights and requires businesses to make certain disclosures regarding their collection, use, and disclosure of Personal Information. This Privacy Notice for California Employees & Applicants (the “Notice”) provides such notice to Arcutis Biotherapeutics, Inc. (“Arcutis,” “we,” “us,” or “our”) California job applicants (“Applicants”) and California employees, independent contractors, and other individuals who interact with Arcutis in an employment-related capacity (collectively, “Employees”).

Please note that this Notice only addresses Arcutis’ collection, use, and disclosure of job applicant and employment-related Personal Information and only applies to residents of California. This Notice does not apply to individuals who are residents of other U.S states or other countries and/or who do not interact with Arcutis in a job applicant or employment-related capacity. For further details about our privacy practices pertaining to non-Applicant/Employee Personal Information, please see our Privacy Notice at www.arcutis.com/privacy.

A. Definitions

- “Personal Information” means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Personal Information includes Sensitive Personal Information, that we specifically describe in this Notice.
- “Third Party” means any non-affiliated person that is not a Service Provider.
- “Service Provider” means a service provider, contractor, or processor which collects, stores, or otherwise handles data for us and is bound by contractual obligations to use your Personal Information only as directed by us.

Other terms used herein that are defined under the CCPA shall have the meanings afforded to them in the CCPA, whether or not capitalized, unless context indicates otherwise.

B. Overview of Personal Information Processing

1. **Collection of Applicant Personal Information.** We collect and we have collected in the past twelve months the following categories of Personal Information from Applicants:
 - Identifiers, such as name, alias, online identifiers, account name, physical characteristics or description
 - Contact and financial information, including phone number, address, and email address
 - Characteristics of protected classifications under state or federal law, such as age, gender, race, physical or mental health conditions, and marital status
 - Professional or employment-related information, such as work history and prior employer
 - Education information, as defined in the federal Family Educational Rights and Privacy Act, such as student records and directory information
 - Inferences drawn from any of the Personal Information listed above to create a profile or summary about, for example, an individual’s preferences and characteristics
 - Sensitive Personal Information, including:
 - Personal Information that reveals:
 - Social security, driver’s license, state identification card, or passport number

- Account log-in, in combination with any required security or access code, password, or credentials for allowing access to an account
- Racial or ethnic origin and gender,
- Personal Information collected and analyzed concerning a Consumer's health

2. Purpose for collection, Processing, and Disclosing Applicant Personal Information. We collect, process, and disclose the categories of Applicant Personal Information listed in Section B.1 for the following business purposes:

- Evaluate a potential employee relationship with you
- Perform background checks and verify past employment, educational history, professional standing, and other qualifications
- Evaluate, determine, and arrange compensation, payroll, and benefits
- Contact you regarding your application and potential employee relationship with us
- Comply with laws and regulations, including, without limitation, applicable tax, health and safety, anti-discrimination, immigration, labor and employment, and social welfare laws
- Monitor, investigate, and enforce compliance with and potential breaches of Arcutis policies and procedures and legal and regulatory requirements
- Comply with civil, criminal, judicial, or regulatory inquiries, investigations, subpoenas, or summons
- Exercise or defend the legal rights of Arcutis and its employees, affiliates, customers, contractors, and agents

We collect, process, and disclose the Sensitive Personal Information of Applicants described in Section B.1 only for:

- Performing the services or providing the goods reasonably expected by an average Consumer who requests those goods or services
- Preventing, detecting, and investigating security incidents that compromise the availability, authenticity, integrity, or confidentiality of stored or transmitted Personal Information
- Resisting malicious, deceptive, fraudulent, or illegal actions directed at us and prosecuting those responsible for those actions
- Ensuring the physical safety of natural persons
- Short-term, transient use, including, but not limited to, non-personalized advertising shown as part of your current interaction with us, provided that we will not disclose your Personal Information to a Third Party and will not build a profile about you or otherwise alter your experience outside of your current interaction with us
- Performing services on our behalf, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing analytic services, providing storage, or providing similar services on our behalf
- Verifying or maintaining the quality or safety of a product, service, or device that is owned, manufactured, manufactured for, or controlled by us, and improving, upgrading, or enhancing the service or device that is owned, manufactured by, manufactured for, or controlled by us
- collecting or processing Sensitive Personal Information where such collection or processing is not for the purpose of inferring characteristics about a Consumer

3. Collection of Employee Personal Information. We, and our Service Providers, may have collected and Processed the following categories of Personal Information from Employees in the preceding 12 months:

- Identifiers, such as name, alias, online identifiers, account name, physical characteristics or description;
- Contact and financial information, including phone number, address, email address, financial information, medical information, health insurance information;
- Characteristics of protected classifications under state or federal law, such as age, gender, race, physical or mental health conditions, and marital status;
- Biometric information;
- Internet or other electronic network activity information, such as browsing history and interactions with our websites or advertisements;
- Geolocation data, such as device location;
- Audio, electronic, visual and similar information, such as call and video recordings;
- Professional or employment-related information, such as work history and prior employer;
- Education information, as defined in the federal Family Educational Rights and Privacy Act, such as student records and directory information;
- Inferences drawn from any of the Personal Information listed above to create a profile or summary about, for example, an individual's preferences and characteristics; and
- Sensitive Personal Information, including:
 - Personal Information that reveals:
 - Social security, driver's license, state identification card, or passport number;
 - Account log-in, financial account number, debit card number, or credit card number in combination with any required security or access code, password, or credentials for allowing access to an account;
 - Precise geolocation;
 - Racial or ethnic origin, religious or philosophical beliefs;
 - Contents of a Consumer's email and text messages, unless the business is the intended recipient thereof; or
 - Biometric data processed for the purpose of uniquely identifying a Consumer;
 - Personal Information collected and analyzed concerning a Consumer's health; and
 - Personal Information collected and analyzed concerning a Consumer's sex life or sexual orientation.

4. Purpose for collection, Processing, and Disclosing Employee Personal Information. We collect, process, and disclose the categories of Personal Information listed in Section B.3 for the following business purposes:

- Manage your employee relationship with us
- Manage and provide compensation, payroll, tax, and benefits planning, enrollment, and administration
- Provide you access to Arcutis systems, networks, databases, equipment, and facilities
- Manage our workforce and its performance, including personnel planning, productivity monitoring, and evaluation
- Manage workforce development, education, training, and certification

- Monitor, maintain, and secure Arcutis systems, networks, databases, equipment, and facilities
- Authenticate your identity and verify your access permissions
- Arrange, confirm, and monitor work-related travel, events, meetings, and other activities
- Assess your working capacity or the diagnosis, treatment, or care of a condition impacting your fitness for work, and other preventative or occupational medicine purposes (including work-related injury and illness reporting)
- Contact and communicate with you regarding your employment, job performance, compensation, and benefits, or in the event of a natural disaster or other emergency
- Contact and communicate with your designated emergency contact(s) in the event of an emergency, illness, or absence
- Contact and communicate with your dependents and designated beneficiaries in the event of an emergency or in connection with your benefits
- Comply with laws and regulations, including (without limitation) applicable tax, health and safety, anti-discrimination, immigration, labor and employment, and social welfare laws
- Monitor, investigate, and enforce compliance with and potential breaches of Arcutis policies and procedures and legal and regulatory requirements
- Comply with civil, criminal, judicial, or regulatory inquiries, investigations, subpoenas, or summons
- Exercise or defend the legal rights of Arcutis and its employees, affiliates, customers, contractors, and agents

We collect, process, and disclose the Sensitive Personal Information of Employees described in Section B.3 only for:

- Performing the services or providing the goods reasonably expected by an average Consumer who requests those goods or services
- Preventing, detecting, and investigating security incidents that compromise the availability, authenticity, integrity, or confidentiality of stored or transmitted Personal Information
- Resisting malicious, deceptive, fraudulent, or illegal actions directed at us and prosecuting those responsible for those actions
- Ensuring the physical safety of natural persons
- Performing services on our behalf, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing analytic services, providing storage, or providing similar services on our behalf
- Verifying or maintaining the quality or safety of a product, service, or device that is owned, manufactured, manufactured for, or controlled by us, and improving, upgrading, or enhancing the service or device that is owned, manufactured by, manufactured for, or controlled by us
- collecting or processing Sensitive Personal Information where such collection or processing is not for the purpose of inferring characteristics about a Consumer

5. Sources of Applicant and Employee Personal Information. We collect Personal Information directly from all Applicants and Employees, including Personal Information about Employees' beneficiaries or dependents. We also collect Personal Information from joint marketing partners, public databases, providers of demographic data, publications, professional organizations,

educational institutions, social media platforms, Service Providers and Third Parties that help us screen and onboard individuals for hiring purposes, and Service Providers and Third Parties when they disclose information to us.

- 6. Disclosure of Applicant and Employee Personal Information.** We disclose, and in the past twelve months have disclosed, the categories of Personal Information of Applicants listed in section B.1 for the purposes listed in Section B.2 and the categories of Personal Information of Employees listed in Section B.3 for the purposes listed in Section B.4 as follows:
- To Service Providers we hire to perform services or functions on our behalf such as Applicant selection and related hiring services, benefits and wellness services, website services, as well as other products and services, such as web hosting, data analysis, customer service, infrastructure services, technology services, email delivery services, legal services, and other similar services. We grant our Service Providers access to Personal Information only to the extent needed for them to perform their functions, and require them to protect the confidentiality and security of such information.
 - To Third Parties as necessary to protect our rights, defend or prosecute a legal claim, or investigate or prosecute illegal activities.
 - To Third Parties at your direction or with your consent.
 - To government or judicial authorities to comply with a court order, subpoena, search warrant, law, regulation, or government investigation.
 - To a successor entity or purchaser upon a merger, consolidation, or other corporate reorganization in which we participate, a sale of all or a portion of our assets, or pursuant to a financing arrangement. In this situation, we will seek assurances that the successor entity or purchaser will process personal information collected by us in accordance with this Notice.
- 7. Retention of Applicant and Employee Personal Information.** We retain each category of Personal Information listed in Sections B.1 and B.3 for the duration of your Applicant and/or Employee relationship with us, as applicable, and longer as may be required by applicable laws or necessary for our legitimate business purposes.

C. Your Rights & Choices.

As a California resident, you have the following rights regarding our collection and use of your Personal Information, subject to certain exceptions:

- **Right to Know:** You have the right to know the following details about our privacy practices at or before the point of collection. We have provided such information in this Notice. You may also request that we provide you with information about the following aspects of how we have handled your Personal Information specifically in the 12 months preceding your request: (i) the categories of Personal Information we have collected about you; (ii) the categories of sources from which we collected such Personal Information; (iii) the business or commercial purpose for collecting, Selling, or Sharing Personal Information about you; (iv) the categories of Personal Information about you that we disclosed and the categories of Third Parties to whom we disclosed such Personal Information; (v) the categories of Personal Information about you that we Sold or Shared, and the categories of Third Parties with whom we sold or shared such Personal Information; (vi) if we collect Sensitive Personal Information, the categories of Sensitive Personal Information to be collected, the purposes for which it is collected or used, and whether

that information is Sold or Shared; and (vii) the length of time we intend to retain each category of Personal Information, or if that is not possible, the criteria used to determine that period.

- **Right to Deletion:** You may request that we delete any Personal Information about you that we collected from you.
- **Right to Correction:** You may request that we correct any inaccurate Personal Information we maintain about you.
- **Rights to Opt-Out of the Sale and Sharing of Your Personal Information and to Limit the Use of Your Sensitive Personal Information:** You have the right to opt-out of the Sale and Sharing of your Personal Information. You also have the right to limit the use of your Sensitive Personal Information to the purposes authorized by the CCPA. We will not sell or share any of the categories of Personal Information we collect about Applicants or Employees, and we have not Sold or Shared any Personal Information of Applicants or Employees in the past twelve months. Further, we do not use or disclose Sensitive Personal Information of Applicants or Employees for purposes beyond those authorized by the CCPA. Relatedly, we do not have actual knowledge that we Sell or Share Personal Information of California Consumers under 16 years of age. For purposes of the CCPA, a “Sale” is the disclosure of Personal Information to a Third Party for monetary or other valuable consideration, and a “Share” is the disclosure of Personal Information to a Third Party for cross-context behavioral advertising, whether or not for monetary or other valuable consideration.
- **Right to non-discrimination:** You have the right not to receive discriminatory treatment by Arcutis for exercising privacy rights conferred by the CCPA and the right not to be retaliated against for exercising your rights conferred by the CCPA.

D. Exercising Your Rights.

Submit a Request. To submit a request to exercise your data subject rights listed in Section C, please contact us by email at privacy@arcutis.com, by calling 844-4ARCUTIS, or by clicking [here](#).

Authorized Agent. You may designate an authorized agent to make a request under the CCPA on your behalf. Authorized agents may submit a request on your behalf using the methods described above. To be able to act, authorized agents must submit proof that they are authorized to act on your behalf. We may deny requests from claimed authorized agents who do not submit adequate proof that they are authorized to act on your behalf.

Verifying Requests. To help protect your privacy and maintain security, we will take steps to verify your identity before complying with your requests. For example, for requests to know, correct, and delete, we will attempt to match your identity to the information stored in our files. If we cannot, we will ask you to provide additional identifying information. We will use information you provide in your request for the purpose of verifying your identity or authority to make the request.

Opt-Out Preference Signals. We recognize opt-out preference signals that we are required to recognize for compliance with applicable law. However, we do not sell or share Personal Information of Applicants or Employees.

E. Other Disclosures.

Financial Incentives for California Consumers. We do not provide financial incentives to California Consumers who allow us to collect, retain, sell, or share their Personal Information. We will describe such programs to you if and when we offer them to you.

F. Contact Us.

More information about our privacy practices can be found in our Privacy Notice, available at www.arcutis.com/privacy. If you have any questions regarding this Policy or Arcutis' collection and use of your Personal Information, or would like to exercise your data subject rights or submit a request under the CCPA, please contact us at by calling 844-4ARCUTIS, by emailing privacy@arcutis.com, or by clicking [here](#). If you are unable to review or access this notice due to a disability, you may contact us at privacy@arcutis.com.

We may update this Notice from time to time. When we do so, we will post the updated version of our Notice here.

Last Updated: September 30, 2024