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Welcome to ORCA, which offers people the opportunity to use a single card to ride buses, ferries, and trains throughout the Puget Sound region.

This ORCA Privacy Statement explains how information is collected and treated by ORCA and its Agencies when an individual chooses to utilize the products and services provided by the Agencies under the ORCA Program, including but not limited to ORCA Cards, ORCA Products, ORCA App, ORCA Website and ORCA Customer Services. By using our services, you agree to be bound by this Privacy Statement and our Terms of Use.

ORCA Website, ORCA App and any ORCA Customer Services that require Personally Identifiable Information (PII) are not intended for use by minors under age 13. ORCA will not accept or request information from individuals known to be under age 13 unless provided by a parent or guardian.

This Privacy Statement does not apply to any PII (e.g. your name and credit card number) you provide to a Retailer. If you provide PII to a Retailer, the Retailer, not ORCA or its Agencies, is responsible for the collection, storage, transmittal, safekeeping, and use of that information.

This Privacy Statement does not apply to information, including PII, you provide to your employer, school, or other Business Account to which the Agencies sell ORCA Cards and ORCA Products. If you provide PII to your employer, school, or other Business Account in connection with obtaining an ORCA Card or ORCA Product, the Business Account, not the Agencies, is responsible for the collection, storage, transmittal, safekeeping or use of that information.

1. Definitions

As used in this Privacy Statement, the following terms shall have the meanings indicated.

Agency(ies) means one or more of the following public transportation providers and the contractors and subcontractors which these Agencies, individually or collectively, have retained for purposes related to the ORCA Program.

- Central Puget Sound Regional Transit Authority (“Sound Transit”);
- City of Everett (“Everett Transit”);
- King County Metro Transit Department (“King County Metro”);
- Kitsap County Public Transportation Benefit Area (“Kitsap Transit”);
- Pierce County Public Transportation Benefit Area Corporation (“Pierce Transit”);
- Snohomish County Public Transportation Benefit Area (“Community Transit”); and
- Washington State Department of Transportation, Ferries Division (“WSF”).

For clarification, the term “Agency(ies)” does not include Business Accounts or Retailers.

Autoload is the process for automatically loading ORCA Products to a Customer Account-linked ORCA Card and making a corresponding charge against the funding source to pay for the loaded product. Autoload may be authorized by an individual or a Business Account customer.

Business Account is an entity other than an individual customer, including but not limited to an employer, educational institution, social service agency, or third-party administrator that purchases ORCA Cards and/or products for distribution to its employees, students, clients, or other program participants according to the terms of an agreement with one of the Agencies.

Cardholder is any individual in possession of or using an ORCA Card for fare payment on transit.

Cardholder Record is data maintained by the ORCA Agencies containing personally identifying information pertaining to the user of a particular ORCA Card and serves to provide balance protection should the card become lost or stolen and informs the cardholder’s reduced fare passenger type (e.g., Youth, Senior, etc.).

Customer Account is an account created at the ORCA Website or on the ORCA App by an individual user, or by a customer service agent on behalf of a customer, to manage one or multiple linked ORCA Cards and contains customers' personal information. Logged in customers may save funding sources to future use and for Autoload. A valid email address is required and will become the account username.

Digital Wallet is a software application owned and offered by a digital wallet provider that stores an ORCA Card as a fare payment credential.

Digital Wallet Provider is a company that offers digital wallet products that enables cardholders to store their ORCA Card in a Digital Wallet.

Full Access is primary association of an ORCA card to a Customer Account. A Full Access individual Customer has full control over the card and may view all transaction history. A Full Access Business Customer has all the same abilities but cannot view trip history. Full Access is given to the first Customer Account to provide the full card serial number, security code, and balance protection code if present. Each card may have only one customer account linked with Full Access.

Lead Agency is one of the Agencies which, on behalf of itself and one or more of the other Agencies, supports Business Account management of ORCA Cards and ORCA Products.

LIFT is a type of ORCA Card issued to individuals who are eligible to pay a reduced fare based on income while using Community Transit, Everett Transit, King County Metro, Kitsap Transit, Pierce Transit, and Sound Transit services. An ORCA LIFT card may only be used by the eligible individual and is not transferable to others. ORCA LIFT cards will convert to an adult ORCA card when they expire.

Load Only Access is secondary association of an ORCA card to a Customer Account. A Load Only Customer may only load value or products onto the ORCA card. A Load Only Customer has limited access to the card information and cannot view transaction. They can load value and passes (including Autoload) and only view passes they have loaded. A card can be linked to multiple customer accounts as Load Only with just the card serial number.

ORCA App is the myORCA mobile application used by individuals for ORCA Customer Account and card management. Business Account administrators cannot use the application to manage their cards.

ORCA Card is the card, physical or digital, that can be presented for fare payment on train, bus and ferry services provided by, and in accordance with the terms established by, the Agencies. ORCA Card can mean cards issued to individuals and businesses, unless the context indicates it means one or the other.

ORCA Customer Services are the facilities and services of one or more of the Agencies that exchange information with customers regarding the ORCA Program and sell ORCA Cards and ORCA Products, including customer service counters, calls centers, the ORCA mail center, business account support and vending machines.

ORCA Info Websites is a public website where users can find more information about ORCA features and programs: info.myorca.com and support.myorca.com.

ORCA Product(s) or Product(s) are any transit fare payment option offered for sale within the ORCA Program including, but not limited to, monthly or period passes and E-purse stored value. One or more products must be loaded to an ORCA Card before it can be used for fare payment on transit.

ORCA Program is the equipment, systems, facilities, ORCA Cards, ORCA Products, ORCA App, ORCA Website, data, information, and any products and services related to the regional fare system implemented by the Agencies using ORCA Cards as the common media for fare payment on their public transportation services.

ORCA Website is the following public website: www.myORCA.com,

Personally Identifiable Information (PII) as defined under RCW 42.56.590 and includes the following information when collected by the Agencies under the ORCA Program: a natural person's name; and, if combined with said name, the address, phone number, email address, date of birth, Regional Reduced Fare Permit related information (as defined below), photo, and check/debit card/credit card information. Additionally, as required by RCW

42.56.330, PII also includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.

ORCA Retailer or Retailer is a retail business or other entity authorized to sell new ORCA Cards and add E-purse stored value to new and existing ORCA Cards.

Regional Reduced Fare Permit (RRFP) is a type of ORCA Card issued to an individual who is eligible to pay a reduced fare by one of the Agencies based on the individual's disability or age (65+ years). RRFP ORCA cards can also be used on non-ORCA participating transit agencies in the Puget Sound region as proof of eligibility to pay a reduced fare in cash, but only the ORCA Agencies will accept payment with ORCA products loaded to the RRFP ORCA Card. Individuals are required to provide proof of eligibility to receive an RRFP ORCA card, which may include a valid Medicare card, photo ID, and/or an application signed by a doctor. An RRFP ORCA card has the cardholder's name and sometimes their picture printed on the front. RRFP ORCA cards are not transferable. Temporary RRFP cards will convert to adult ORCA cards upon expiration.

Youth Card is a type of ORCA Card issued to an individual who is eligible to pay a reduced fare based on the individual's age (6-18 years). Youth ORCA Cards may be issued to schools or other organizations. Youth ORCA cards are not transferable. Youth ORCA cards will convert to adult ORCA cards when the cardholder turns 19 years old.

2. Customer Services Requiring Information

No information is required if you pay cash fares for your public transportation rides. Information may be needed, however, if you choose to use services such as an ORCA Card, ORCA App or ORCA Website. If you contact ORCA Customer Service by mail, telephone, email, or in-person, that contact may be logged and the information you provide may be collected by the ORCA Program. The type of information required will vary with the services sought. If you decline to submit information for some services, the Agencies may be unable to provide you with those services.

Certain information, such as location information, device details, and cookie data, is transmitted to ORCA automatically when you utilize the ORCA Card, ORCA App or ORCA Website. Aggregate and non-personal information helps ORCA deliver relevant and responsive services. This notice does not restrict how we use such non-identifiable data.

When PII is provided to establish eligibility for reduced fare programs, certain PII is retained in the ORCA Program to enable the Agencies to administer and monitor use of these reduced fare programs, such as first name, last name, address, date of birth, paratransit ID, and date of eligibility expiration, depending upon the reduced fare program benefit utilized.

Cardholders are not required to register their ORCA Card with the Agencies unless the individual requests a Regional Reduced Fare Permit, ORCA LIFT Card, Youth ORCA Card, or to purchase a pass for use on paratransit services such as King County's Access service. If you choose to provide PII to the Agencies for purposes of registering an ORCA Card, such PII is held by the ORCA Program and associated with your card number.

3. Information Related to the Purchase of ORCA Cards and ORCA Products

When an ORCA Card or an ORCA Product is purchased, the system collects varying amounts of information depending on the method of payment.

The system will always collect information regarding:

1. The date and time of purchase,
2. The card number of the ORCA card,
3. Information about where the purchase was made,
4. The type of ORCA Product purchased,
5. The amount of and method of purchase, and
6. PII associated with payment made by check, credit card or debit card, and
7. Information about the purchase of ORCA Cards and ORCA Products is associated with the card number.

If PII is provided (e.g., to establish eligibility for a reduced fare program or to make a purchase using a check, credit card or debit card), the PII that is retained can be associated with the card number.

4. Information Related to the Use of ORCA Cards, Products, and System Functionality

When an ORCA Card is presented to an ORCA reader device for fare payment or to check the card's status, the system collects information such as:

1. Date and time the card was presented.
2. Number from the reader device used.
3. I.D. of the Agency whose reader device was used.
4. Location of the reader device.
5. Vehicle and route numbers if the card is read by a device on an Agency vehicle.
6. Nature of the transaction (i.e., fare payment or validating fare payment).
7. Amount/type of ORCA Product used.
8. Any transfer applied.
9. ORCA card number.

Information related to the use of an ORCA Card is associated with the card number. If you provide PII, that information will be linked to the card number. The information about the use of the ORCA Card can be associated with PII provided by you. Similarly, if you set up an ORCA account on myORCA.com then any cards added and managed by the account will have the same associations between the provided PII and card numbers.

5. ORCA App and the Information Collected

PII will be collected when you seek certain services or access such information in the mobile application. The PII required for ORCA-related services are described in other sections of this Privacy Statement.

The ORCA App may have links to other websites, such as Agencies' individual websites. When you follow a link to one of these external websites, you are no longer on the ORCA App and this Privacy Statement no longer applies. Instead, you are subject to the privacy notice and other terms of that external website.

6. ORCA Website and the Information Collected

ORCA servers automatically record and store information that a computer or browser sends whenever a person visits the ORCA Website, even if only to browse or download information. These server logs may include the following information:

1. Date and time you visited the ORCA Website.
2. Internet Protocol (IP) Address and domain name associated with your computer's connection to the Internet. The IP Address is a numerical identifier assigned either to your internet service provider (ISP) or directly to your computer.
3. Type of browser, browser language and operating system used.
4. Website you visited prior to coming to the ORCA Website.
5. Pages viewed by users, the amount of time users spent on a certain page, search terms and other non-personally identifiable information that may be collected as the ORCA Website is navigated.
6. One or more cookies that may uniquely identify your browser.

When you visit the ORCA Website, your computer will receive one or more "cookies." Cookies are small text files placed on a user's computer and accessed by the ORCA Website to recognize repeat users. Most browsers are set up to accept cookies, but you can configure your browser to refuse all cookies or to indicate when a cookie is being sent. However, some ORCA Website features and services may not function properly if your cookies are disabled.

The ORCA Website may have links to other websites, such as the Agencies' individual websites. When you connect to one of these external websites, you are no longer on the ORCA Website and this Privacy Statement no longer applies. Instead, you are subject to the privacy notice and other terms of that external website.

7. ORCA Digital Card and the Information Collected

As part of the system integration to enable digital card functionality of the ORCA System, information may be exchanged between Digital Wallet providers and ORCA. ORCA may record and store information as a requirement for digital card functionality and for the purpose of providing customer service, research, and program and product enhancements.

When using your ORCA Digital Card, the ORCA System may record digital wallet identifiers logs may include the following information:

1. Date and time.
2. Internet Protocol (IP) Address and domain name associated with your computer's connection to the Internet. The IP Address is a numerical identifier assigned either to your internet service provider (ISP) or directly to your computer.
3. Unique Digital Wallet Identifier(s)

When a customer purchases a new or converts an existing ORCA Card to a digital card for storage in the Digital Wallet you must agree to the Digital Wallet Provider's terms and policies.

8. Children's Online Privacy Protection Act ("COPPA") Notice

ORCA complies with the requirements of the Children's Online Privacy Protection Act ("COPPA") and the Federal Trade Commission's rule interpreting COPPA (16 CFR § 512). The ORCA Website, ORCA App and any ORCA Customer Services that require PII are not intended for minors. ORCA will not accept or request PII from individuals known to be under 13 years of age unless expressed consent is provided by a parent or guardian.

- ORCA may retain the information necessary to qualify the applicant for a reduced fare benefit (e.g., youth card.)
- Information retained for Youth ORCA cards is limited to date of birth unless a parent or guardian authorizes additional information be retained to assure protection for misuse and loss of a Youth ORCA Card.

If we learn that an individual under 13 years of age has provided us with personal information, without the consent of a parent or guardian, ORCA and the Agencies will delete this information from our database(s).

9. Use and Sharing of Collected Information

We may collect statistical information about your use of the ORCA Card, ORCA Website, ORCA Mobile App, and ORCA Products. ORCA may utilize unique identifiers to recognize repeat users, to facilitate the user's ongoing access to and use of the ORCA System, and to compile data for research purposes to improve services and related business purposes. An example of statistical information is "clickstream data" and "user hits" which are visits and sessions that may be logged to determine which pages are visited most frequently when using the ORCA Website or the ORCA Info Websites.

PII will be collected on the ORCA Website only if you seek certain services and only if you or the Business Account associated with your ORCA Card provide such information. The PII required for ORCA-related services are described in other sections of this Privacy Statement. Should you seek a service that requires PII (e.g., balance protection) but you do not wish to provide PII via the ORCA Website, you may choose to provide the required PII by visiting an Agency Customer Service office or calling the ORCA call center.

When you submit questions or comments to the ORCA Program using the Contact Us form, the Agencies may retain these communications, and use your email address and other information included in your correspondence to process your request, respond to you, and improve services.

Except as otherwise restricted by law or in this Privacy Statement, the Agencies plan to use and share all information collected through or generated by the ORCA Program for the purposes of fare media sales, fare collection, support of Business Account transportation programs, monitoring the functionality and performance of the ORCA Program, soliciting and receiving feedback, developing the ORCA Program, making reports on ORCA Card use and other ORCA-related activities or products, and for any other ORCA Program or Agency purposes.

The Agencies will not sell PII to other entities for marketing purposes. The Agencies will only share PII with Agency employees, officials and contractors on a “need to know” basis for purposes of fulfilling their duties and responsibilities. The Agencies may share PII with other persons or entities if it is reasonably necessary to:

- Satisfy an applicable law or regulation.
- Respond (voluntarily or involuntarily) to a subpoena, court order or other legal process and requests by a governmental agency; and to protect the Agencies from any kind of potential harm (as an Agency perceives that potential in its discretion).
- Enforce Agency terms of use and other provisions applicable under the ORCA Program or an Agency transportation service, including investigation of potential violations thereof.
- Detect, prevent, or otherwise address fraud, security or technical issues.
- Protect against harm to the rights, property or safety of the Agencies, the users of their services, or the public, as required or permitted by law.
- Persons or entities that receive information from the Agencies may be able to combine such information with other information they independently possess. The Agencies are not responsible for combining or any later use that may be made of information provided to others in accordance with this Privacy Statement.

10. Retention of Information

Information collected through or generated by the ORCA Program may be retained in the ORCA central system and at individual Agencies, on both active databases and in archive systems, and in electronic as well as hard copy form. The Agencies will store all information related to the ORCA Program for as long as they believe it useful or required by applicable law.

When you send an email or letter with questions or comments to the ORCA Program or an Agency, or if you provide your contact information when ordering ORCA Cards, ORCA Products or services, the Agencies may retain these communications, and use your email address and other information included in your correspondence in order to process your communications, respond to you and improve our services.

11. Public Records

The Washington Public Records Act (Chapter 42.56 RCW) (“Act”) applies to all records related to the ORCA Program including but not limited to: any data and reports related to the issuance, loading and use of ORCA Cards; PII that you provide; and the emails, comments, and other communications between you and any of the ORCA Agencies. Generally, public records are available for inspection and copying by the public, but the Act exempts some records from mandatory disclosure. For example, the Act contains the following exemptions from mandatory disclosure:

RCW 42.56.330(4) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

RCW 42.56.330(5) The personally identifying information of persons who acquire and use transit passes or other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose personally identifying information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud. As used in this subsection, “personally identifying information” includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.

(a) Information regarding the acquisition or use of transit passes or fare payment media may be disclosed in aggregate form if the data does not contain any personally identifying information.

(b) Personally identifying information may be released to a parent or guardian who provided PII for a youth Cardholder under age 13, or to law enforcement agencies if the request is accompanied by a court order.

The Agencies reserve their discretion, if any, to release or withhold records in accordance with the Act. The Agencies reserve the right to impose fees in accordance with the Act for responding to requests for inspection and copying of records.

In the event of a conflict between this Privacy Statement and the Public Records Act or other law governing the disclosure of records, the Public Records Act or other applicable law will control.

12. Information Security Practices

This Privacy Statement should not be construed in any way as providing business, legal or other advice, or warranting as fail-proof, the security of information provided by or submitted to the ORCA Website, the ORCA App, or otherwise submitted to the ORCA Program or Agencies through customer participation in the ORCA Program. Due to the nature of internet communications and evolving technologies, the Agencies cannot provide and disclaim assurance that the information you provide to them will remain free from loss, misuse, or alteration by third parties, who, despite the Agencies' efforts, may obtain unauthorized access.

If, despite the ORCA Program's information security measures, unencrypted "personal information" held by the Agencies was, or is reasonably believed to have been, acquired by an unauthorized person, the Agencies shall notify the data subject(s) in accordance with RCW 42.56.590. For the definition of "personal information" ORCA refers to RCW 42.56.590(10).

Any participating ORCA Agency may provide notice to you, including (without limitation) legal notices, notices of amendments and notice (as/if required) of breach of an information system, by posting notice on myORCA.com, by emailing you, or by any other means that is lawful.

13. Changes to Personally Identifiable Information

The Agencies depend on the users of ORCA Cards and ORCA Products to update their own PII whenever necessary. To update your personal details and modify or terminate your ORCA card registration or Autoload authorization, you may use the ORCA App, ORCA Website or contact an ORCA Customer Service office.

14. NO WARRANTIES

THE AGENCIES HAVE ADOPTED PROCEDURES AND MEASURES THEY BELIEVE TO BE COMMERCIALY REASONABLE TO PROTECT ANY INFORMATION COLLECTED FOR THE ORCA PROGRAM INCLUDING INFORMATION COLLECTED ON THE ORCA WEBSITE AND ORCA APP. HOWEVER, NO ONE IN THE AGENCIES GUARANTEES INFORMATION SECURITY OR WARRANTS THAT THE INFORMATION (INCLUDING BUT NOT LIMITED TO PII) COLLECTED IN CONNECTION WITH THE ORCA PROGRAM WILL REMAIN FREE FROM UNAUTHORIZED ACCESS OR DISCLOSURE, LOSS, MISUSE, ALTERATION OR THEFT AND THE AGENCIES EXPRESSLY DISCLAIM ANY SUCH OBLIGATION.

15. Governing Law and Venue

This Statement shall be construed in accordance with the laws of the State of Washington, without regard to any conflict of law provisions. Any dispute arising under this Statement shall be resolved exclusively by the state or federal courts sitting in King County, Washington that have jurisdiction over the matter.

16. Questions or Comments on this Privacy Statement

Please direct any questions or comments regarding this Privacy Statement to the Regional ORCA Operations Team as follows.

Email: info@myORCA.com

Phone: 888-988-6722 / TTY: 711, during regular business hours

Mail: ORCA Director
401 S Jackson St.
Seattle WA 98104

When we receive formal written questions or complaints at this address, it is our policy to contact the complainant regarding their concerns.

17. Changes to this Privacy Statement

This Privacy Statement may change over time to reflect changes in our information practices or relevant laws. We expect most changes will be minor. Significant changes will be posted as an “alert” located at the top of the ORCA Website pages. The date of the most recent revision of this Statement will be located at the top of the page and prior versions will be kept in an archive for your review upon request.

We will post changes to this Statement at least ten (10) days before they take effect. Any information we collect under the current Privacy Statement will remain subject to the terms of this Statement. After any changes take effect, all new information we collect, if any, will be subject to the new Statement.

Alternate formats of the ORCA Privacy Statement are available upon request.

888-988-6722 / TTY: 711

info@myORCA.com