

Terms and Conditions Update: FAQs

Which Terms and Conditions will be changing?

We are updating the Merchant Card Processing Agreement.

Why are there changes being made?

We are updating the PCI Non-Compliance fees to encourage further compliance. Additionally, we have implemented a consequence for 90 days of non-compliance. PCI Compliance is not only mandatory, but it needs to be maintained and renewed annually.

What are the changes?

In the Merchant Card Processing Agreement, the changes are as follows, as reflected by underlined text:

Section 18(iv); Processing fees shall include PCI Non-Compliance fees for each month Merchant fails to achieve PCI Compliance as specified herein. Bank shall determine in its sole and absolute discretion, whether Merchant has achieved PCI Compliance on the first business day of each month. At a minimum, to be PCI Compliant, Merchant must have a completed PCI DSS SAQ uploaded to Processor through the PCI Toolkit in the Merchant Portal or otherwise delivered the PCI DSS SAQ to Processor in the manner required for Notice pursuant to Paragraph 20 of this Agreement. To be deemed PCI Compliant for any month, Processor must have received Merchant's PCI DSS SAQ prior to the first business day of the month. Merchant acknowledges and agrees that it is Merchant's responsibility to update their PCI DSS SAQ annually, and that an expired PCI DSS SAQ shall not satisfy Merchant's PCI Compliance obligation. Merchant shall be charged a PCI Non-Compliance fee for each and every month in which it fails to achieve PCI Compliance as set forth in this paragraph. If after 90 consecutive days of incurring PCI Non-Compliance fees, a merchant has failed to achieve compliance, the PCI Non-Compliance fee may increase to 10-15 basis points (BPS) on gross monthly transaction volume or \$79.99, whichever is greater, in Bank's sole and absolute discretion. If, at any time, Merchant fails to achieve and maintain PCI Compliance, Processor may, in its sole and absolute discretion, terminate this Merchant Agreement for cause.

Where can I obtain a complete copy of the Merchant Card Processing Agreement and the ACH Agreement?

You can download a copy of the updated CBCal Merchant Card Processing Agreement at: <https://www.basecommerce.com/docs/cbcal/merchant-agreement-v7.06.19.pdf>.

Why do I need to be PCI Compliant?

This program is mandatory for all merchants who accept credit card payments. This is stipulated by the card brands (MasterCard, Visa, American Express, Discover), and is required in your Merchant Agreement.

These regulations safeguard customer data, and are necessary to maintain your ability to continue to accept credit card payments.

In the event of a breach, holding a valid PCI Compliance Certificate and following card brand rules will decrease your liability and may prevent hefty fines – up to \$5,000 dollars per card number exposed.

Your Responsibilities as a Merchant

Although Merchants are required to be PCI Compliant, we do not require Merchants to be compliant through the PCI Toolkit. If you use a third party to validate your compliance, please email the certificate to pcicompliance@basecommerce.com.

You must obtain your compliance and either provide us with a valid certificate annually, or complete compliance within the PCI TOOLKIT yearly. FAILURE TO DO SO COULD RESULT IN ADDITIONAL FEES AND/OR SERVICE TERMINATION!

You are required to notify us within 24 hours of any suspected and/or confirmed breach which may affect sensitive cardholder data.

You must follow the rules and regulations applicable to your business, as dictated by the card brands in PCI DSS.

ANNUAL COMPLIANCE IS MANDATORY. MERCHANTS MUST RE-CERTIFY ANNUALLY.

