

## Old Privacy Policy v3

We at ClearScale LLC and the subsidiaries we own or control worldwide (collectively, "ClearScale") respect your privacy. We are publishing this new version of ClearScale's Privacy Policy (the "Policy") to clearly disclose our practices and approach to data protection.

This Policy governs how we collect, protect, store, process, transfer and use the personally identifiable information we collect from and about you. This Policy applies to ClearScale's online and offline activities.

ClearScale complies with the U.S.-EU Safe Harbor Framework and the U.S.-Swiss Safe Harbor Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and Switzerland. ClearScale has certified that it adheres to the Safe Harbor Privacy Principles of notice, choice, onward transfer, security, data integrity, access, and enforcement. To learn more about the Safe Harbor program, and to view ClearScale's certification, please visit <http://www.export.gov/safeharbor/>.

If you have any questions about this Policy, please feel free to contact us by email, [info@clearscale.net](mailto:info@clearscale.net), or via mail at:

**Privacy Officer**

ClearScale LLC  
71 Stevenson St, Suite #400  
San Francisco, CA 94105 USA

### 1. Information We Collect

Personally Identifiable Information (PII) is information that can be directly associated with an individual (such as name, email address, or telephone number), or information about activities directly linked to an individual (such as products and services you have used or purchased).

We collect PII from you in the following ways:

**Information provided to us directly**

You, or someone acting on your behalf, may provide PII to us when you interact with us online and offline. For example:

- We may gather such things as name, physical address, email address and phone number when you contact or communicate with us;

- We may gather information such as the products and services you purchase, download or register to use, as well as financial information such as credit card numbers when you engage in transactions with us;
- We may gather user preferences, product interests, industry focus, community choices and other customer profile information when you register for an online account, subscribe to a newsletter, participate in communities or an event, program, class or promotion, or click on a URL; or
- We may accept your resume or CV when you apply for a job.

### **Information we collect through technology: Products and Services**

Certain ClearScale products and services that you purchase, download, or register to use may connect and transmit telemetry and system/product data to ClearScale (or its authorized agents). This data may include, but is not limited to, system model, operating system, host ID and IP address.

We use this information to tell you when updates and new product versions are available, provide agreed upon diagnostic, monitoring and management services, as well as enhance our products and services, and better communicate with you.

Furthermore, in the course of using ClearScale products and services, you or someone else in your organization may provide us with information about your systems infrastructure and access to your systems infrastructure. In addition, ClearScale may 'self-discover' this information by analyzing additional parts your systems infrastructure that you did not explicitly input into the product. This information may include, but is not limited to:

- Names and IP addresses of servers
- Operating systems of servers
- Applications installed on servers
- Usernames and passwords of server and database administrators
- Usernames and passwords of application users
- Keys to systems infrastructure
- Performance of elements within the systems infrastructure
- Configuration information for elements within the systems infrastructure
- Operational logs of elements within the systems infrastructure
- Locations of files and databases within the infrastructure

### **Information we collect through our Website:**

When you are on ClearScale's website, we collect information about the pages you visit. Some web pages use cookies, web beacons and similar technologies to automatically collect information from you. When you visit a ClearScale website, we may send one or more cookies (small text files containing a string of characters) to your computer to uniquely identify your

browser. We may use "web beacons" (electronic images also known as pixel tags or clear gifs) to recognize a cookie on your computer when you view or act upon a web page, an advertisement that we've placed on a third-party web page or an email we've sent.

These cookies, web beacons and similar technologies enable us to collect certain types of information about your visit to ClearScale's websites or online service such as:

- Internet Protocol Address;
- Browser type;
- Browser language;
- Operating system;
- Referring site (site you visited before coming to our site);
- Date and time of visit;
- URL of pages visited; and
- Other browsing behavior, such as products and white papers downloaded.

We may link this information to PII to provide better service to you and to improve ClearScale's product and services offerings. If you do not wish to have navigational patterns analyzed, please disable cookies in your browser.

Most browsers allow you to remove and block cookies and web beacons. Please note that if you choose to erase or block cookies, you will need to re-enter your user ID and password to access certain parts of ClearScale's website. You may also notice that you will be served only generic information not tailored to your specific interests.

In addition, if you block cookies, you may not be able to use certain ClearScale website features or take full advantage of our ClearScale service offerings.

### **Information from other sources**

We sometimes obtain information from other sources, such as mergers and acquisitions, data brokers, or commercial lists, and merge this with information we have previously collected.

If you give us PII on behalf of someone else (or someone else gives us PII on your behalf), the person providing the PII must have consent to do so from the person whose information is being provided to ClearScale. Some ClearScale events, websites or services may be co-branded and offered in conjunction with another company. For example, ClearScale might co-sponsor a webinar in conjunction with one of its partners and allow you to register for such webinar through the ClearScale website. If you provide PII in these cases, both ClearScale and the other company(ies) may receive the information

collected and use the information according to each company's privacy policy and agreement with you.

## 2. How We Use Information We Collect

We use PII to conduct business, provide information and support for products and services, better understand your needs and interests, refine and develop our business, improve services, personalize communications and ensure a quality experience for users of the ClearScale website and services. For example, we may use your information to:

- Communicate, interact and build our relationship with you;
- Contact you with relevant promotions and information about ClearScale and affiliated third-parties;
- Process, fulfill and follow up on transactions and requests for products, services, support, training and information;
- Create and maintain an account and register products and services;
- Engage in market research;
- Measure, analyze and improve our products and services, the effectiveness of our websites, and our advertising and marketing;
- Personalize content and advertising;
- Help identify and communicate offers of products, programs and services that may be of interest to you;
- Send "refer-a-friend" email on your behalf with your consent;
- Consider your employment application;
- Comply with legal requirements; or
- Enforce terms of service and website terms of use, and prevent fraud and other prohibited or illegal activities.

## 3. How We Share and Disclose PII

We may share or disclose your PII as follows:

- To corporate subsidiaries we own or control to support their business and marketing processes;
- To our service providers and suppliers, who are acting and using your information on our behalf;
- Based on a good faith belief that such disclosure is necessary to protect the rights or safety of any person or entity;
- Based on a good-faith belief that disclosure is necessary to respond to judicial process, valid government inquiry, or is otherwise required by law;
- In the event that ClearScale or any of its assets are acquired, your information may be transferred with the company or the asset;
- To other third-parties for purposes you have allowed or consented to; or

- When posted by you or an authorized third-party to our wikis, forums, blogs, message boards, chat rooms and other social networking environments.

#### 4. Notice and Choice

ClearScale provides notice about its use of PII in this Policy, in our web pages, and in other locations where we collect PII. You can choose whether or not to provide your PII to us. If you choose not to provide PII, you can continue to interact with ClearScale, but you may not be able to take advantage of certain offers, options, events and services that depend upon ClearScale having access to accurate PII.

You can update your marketing communications preferences by going to the unsubscribe page or by following the unsubscribe instructions you have received in a marketing email. Please note that transactional, relationship and legally required communications will not be affected by the choices you have made about marketing communications.

#### 5. Onward Transfer

We will only share PII with third parties if those third parties provide an adequate level of data protection to help ensure the security of personal data, such as by agreeing to abide by the Safe Harbor principles or agreeing to the terms of an appropriate non-disclosure agreement (“NDA”).

#### 6. Security

We maintain administrative, technical, and physical safeguards to protect the security, confidentiality and integrity of the PII we have collected. These safeguards are designed to protect against, but are not a guarantee against, the loss, misuse and unauthorized access, disclosure, alteration and destruction of PII. In addition, we use standard security protocols and mechanisms to transmit sensitive data such as passwords and credit card details.

#### 7. Access and Accuracy

We want to maintain the accuracy of your contact information. If you need to update or correct it, please do so by logging into your ClearScale account.

You also may update your information by emailing [info@clearscale.net](mailto:info@clearscale.net), or writing to:

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and we will make reasonable efforts to incorporate the changes as soon as possible. Before we make any changes, we may ask you to verify your identity and/or provide other details to help us respond to your request. We may keep a copy of the prior information for our records.

We provide individuals with reasonable access to their PII in order to have it corrected, amended or deleted where it is inaccurate or inappropriate for the specified purposes of processing.

## 8. Children's Privacy

ClearScale's web sites and marketing are not directed to children less than 13 years of age. If that policy changes, we will obtain consent from a parent or guardian before we knowingly collect PII from anyone under the age of 13.

## 9. Transfers of PII under Safe Harbor

ClearScale is a global organization, with operations, processes and systems that cross borders. We are certified under the <http://www.export.gov/safeharbor/> and strive to comply with all applicable laws designed to protect privacy in the jurisdictions in which we do business. If you choose to provide us with information, including PII, you understand that we may transfer it within ClearScale locations and systems in the United States or to the locations and systems of ClearScale's subsidiaries, joint venture partners, and third-party service providers around the world.

## 10. Enforcement

ClearScale regularly reviews its compliance with this Policy. Please feel free to direct any questions or concerns regarding this Policy or ClearScale's treatment of PII by contacting us at [info@clearscale.net](mailto:info@clearscale.net) or by writing to us at:

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We participate in the U.S.-EU Safe Harbor Privacy Framework and the U.S.-Swiss Safe Harbor Framework as set forth by the United States Department of Commerce. If you have any complaints regarding our compliance with the Safe Harbor principles, please contact us at the address above.

## 11. Changes to this Privacy Policy

Please note that this Policy may change from time to time. We will post any Policy changes on this page and, if the changes are significant or reduce your rights in any material manner, we will provide a more prominent notice. We will also keep prior versions of this Policy in an archive for your review.

## **12. Our Commitment**

We are committed to privacy and are involved in current industry initiatives to preserve individual privacy rights on the Internet and with respect to Cloud Computing services. Our privacy practices will evolve to meet new requirements, standards, technologies and customer desires and we welcome your opinions and insight on this evolution.