

Your privacy is important to EvoSwitch USA, Inc. (hereinafter “EvoSwitch US”). EvoSwitch US is therefore pleased to provide this privacy statement to inform you of EvoSwitch US’s practices with respect to the collection and use of your personal information (“Personal Data”).

COMPLIANCE WITH INTERNATIONAL DATA PROTECTION LAWS, IN PARTICULAR THE GDPR

EvoSwitch US complies with international data protection laws, in particular the Regulation 2016/679/EU of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (“GDPR”). EvoSwitch US has implemented the following requirements under the GDPR, including but not limited to:

A record of our Personal Data processing activities.

- Adequate organizational and technical protection measures (more information can be found in this privacy statement).
- Request forms and internal instructions for Privacy by Design & Default, Data Portability, Data Subject Rights like the Right to be Forgotten.
- A Data Processor Agreement in our role as data controller and data sub-processor.
- A data breach procedure.
- An internal privacy policy.

AGREEMENT TO THIS STATEMENT

Please read this statement carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our services or products. By accessing or using our services and/or services, you agree to this privacy statement. This statement may change from time to time. Your continued use of our services or products after we make changes is deemed to be acceptance of those changes, so please check the statement periodically for updates.

HOW EVOSWITCH US MAY COLLECT INFORMATION ABOUT YOU IN OUR ROLE AS DATA CONTROLLER

EvoSwitch US may collect your Personal Data when:

- You order a service from EvoSwitch US.
- You enter a promotional game of chance with EvoSwitch US.
- You participate in a EvoSwitch US survey.
- You subscribe to a EvoSwitch US newsletter.
- You ask EvoSwitch US for more information about a EvoSwitch service, or contact EvoSwitch US with a question, comment or complaint.
- You use the EvoSwitch US infrastructure and/or other EvoSwitch US services.

EvoSwitch US also collects Personal Data about you affiliates of EvoSwitch US. In addition, EvoSwitch US may collect Personal Data about you from agencies, referral partners, business directories and credit reference agencies.

WHAT KIND OF INFORMATION EVOSWITCH US MAY COLLECT ABOUT YOU IN OUR ROLE AS DATA CONTROLLER

EvoSwitch US may collect the following information about you:

- Your name, (business/private) address, phone number, date of birth, email address and personal identification numbers.
- Your EvoSwitch US account information – such as EvoSwitch US services you ordered, domain name registration information, the IP addresses assigned to you, your customer ID, service charges owed and received, the use of EvoSwitch US services or any other information related to your account.
- Your contact with EvoSwitch US – such as a note or recording of a call you make to EvoSwitch US, an email or letter you send to EvoSwitch US or other records of any contact you have with EvoSwitch US.
- Information about your payment method, such as credit card number, bank account number or other banking information.
- Information provided by you to EvoSwitch US when you notify EvoSwitch US of a (suspected) breach of EvoSwitch US’s policies.
- Video footage of you when you are in a EvoSwitch US datacenter or the public space outside and inside our offices.
- Documents and information that certify your identity.

WHY EVOSWITCH US PROCESSES YOUR PERSONAL DATA IN OUR ROLE AS DATA CONTROLLER

EvoSwitch US processes your Personal Data for the following purposes:

- Processing of orders and provision of services.
- Conducting market research, conducting retention and customer satisfaction surveys, conducting marketing activities (including through email newsletters, social media and onsite/offsite and online/offline advertisement), conducting sales activities (including analyzing your Personal Data and your use of EvoSwitch US services for making (personalized) offers and quotes with the aim of entering into a customer relationship, and/or maintaining, renewing or expanding a customer relationship) and offering promotional games of chance.
- Communicating with customers (i) to provide information about services of EvoSwitch US and affiliated companies, (ii) to provide information about offers, orders, provision of services, order status and payment, (iii) to provide support and maintenance services, (iv) to handle complaints, and (v) to answer questions from (potential) customers.
- Performing financial processes, including (i) calculating, invoicing and collecting of service charges, (ii) processing financial transactions regarding the acceptance of orders, and (iii) granting debt collection rights to third parties.
- Investigating creditworthiness and risk management, including prevention of overextending credit to (potential) customers and verifying whether (potential) customers will be able to comply with financial obligations.



- Investigating and processing suspected violations of EvoSwitch US's acceptable use policy.
- Ensuring the security of persons, goods and objects, and performing fraud detection.
- Conducting legal processes, including (i) conducting legal proceedings, and (ii) collecting evidence for civil legal proceedings relating to you.
- Complying with statutory obligations, including (i) provision of data to authorized authorities in the context of criminal investigations, (ii) complying with (applicable) data retention obligations, and (iii) the provision to third parties of Data concerning customers in connection with an infringement of these third parties' rights.
- Establishing the identity of customers or third parties, including in relation to the provision of access to data centers and our offices.

SHARING YOUR PERSONAL DATA WITH THIRD PARTIES IN OUR ROLE AS DATA CONTROLLER

EvoSwitch US may share Data about you with:

- Partners or agents involved in delivering the services you've ordered with EvoSwitch US.
- Credit reference, fraud prevention or business scoring agencies, or other credit scoring agencies.
- Debt collection agencies or other debt recovery organisations.
- Law enforcement agencies, regulatory organisations, courts or other public authorities to the extent required by law to meet national security or law enforcement requirements.
- A EvoSwitch US customer, if you notify EvoSwitch US that this customer use of EvoSwitch US services violates the EvoSwitch US's Policies or applicable law.
- A third party that has claimed that your use of the EvoSwitch US services violates the EvoSwitch US's Acceptable Use Policies or applicable law (to the extent such sharing is required by law).

EVOSWITCH US IN ITS ROLE AS SUB-PROCESSOR

Personal Data hosted, transmitted or processed on infrastructure owned by you is governed by this paragraph. The customer of EvoSwitch US will be responsible for determining the purposes and means of the processing of Personal Data, and this EvoSwitch US customer (or its customers) will be the data controller in regards to such processing. If at any time EvoSwitch US has access to personal data stored on infrastructure owned by a EvoSwitch US customer e.g. during remote hands activities, then EvoSwitch US shall be a data sub-processor, and any actions performed by EvoSwitch US in relation to such data shall be solely governed by the agreement concluded between EvoSwitch US and its customer.

RETENTION PROCEDURES

EvoSwitch US will store your Personal Data as long as necessary to perform the purposes of processing as stated in this privacy statement.

LEGAL GROUNDS

To process your information as described above, we rely on the following legal bases:

- **Performance of a contract:** the use of your information may be necessary to perform the contract that you have with us. For example, if you use our services, we will use your information to carry out our obligation to complete and administer that service under the contract that we have with you.
- **Legitimate interests:** the processing is necessary for the purposes of the legitimate interests pursued by us, namely for information security. We also want to provide you with the best suitable content of the website, emails and newsletters, to improve and promote our products and services and the content on our website, and for administrative, fraud detection and legal purposes.
- **Consent:** we may rely on your consent to use your Personal Data for certain direct marketing purposes.

TECHNICAL AND ORGANISATIONAL SECURITY PROCEDURES AND DATA TRANSFERS

In accordance with international data protection laws, in particular the GDPR, we observe adequate procedures to prevent unauthorized access to, and the misuse of, Personal Data. We use appropriate business systems and procedures to protect and safeguard the Personal Data. We also use security procedures and technical and physical restrictions for accessing and using the Personal Data on our servers. Only authorized personnel are permitted to access Personal Data in the course of their work. Our business processes apply a series of security services are compliant with the industry security standards, including ISO 27001, SOC 1 and PCI DSS.

EvoSwitch US has implemented the following, but not limited to, generic information security measures across its organisation: network segmentation, next generation firewalls, anti-virus software, full disk encryption of end-points, encrypted communication via SSL or VPN, Security Information and Event Management solutions, dedicated Security Operating Centre, security awareness training, segregation of duties, role-based access permissions (based on least-privilege), secure disposal facilities of confidential information, periodic pentesting of public facing services, tools to enable employees to work secure (such as password managers), physical security zones. Per application or communication, additional security measures can be implemented.

EvoSwitch US is frequently being audited by external parties to ensure it complies with relevant normative frameworks and controls within the various standards. For more information see: <https://evoswitch.com/data-centers/certifications/>

Because we are a global company with customers located in many different countries around the world, it is important that we comply with data privacy laws in many jurisdictions. In our role as data sub-processor we have implemented the [Standard Contractual Clauses](#) to enable the lawful transfer of Personal Data from the European Economic Area and Switzerland to other countries globally. The Standard Contractual Clauses set out the EvoSwitch affiliate commitment to privacy and data protection when processing data in connection with the provision of products and services to our customers and partners, and dealing with the transfer of Personal Data outside the EEA and Switzerland in connection with the provision of such products and services.



YOUR RIGHTS

Subject to some limits, you have a number of rights regarding your Personal Data and the processing thereof. Please note that our customers control and maintain access to their data that is stored by EvoSwitch US, and we may not have access to the data maintained by our customers or even to know what data is being maintained. To the extent that we can honor your requests:

- You can view and, if necessary, change your Personal Data in your account at any time.
- If you wish to know what information EvoSwitch US and affiliates of EvoSwitch US have collected about you.
- If you want to make changes to the Personal Data you have seen you cannot change in your account.
- You also have the right to obtain from us the erasure of your Personal Data (right to be forgotten).
- In addition, you may, under certain circumstances, have the right to restriction of the processing of your Personal Data.
- You have the right to object, on grounds relating to your particular situation, at any time to processing of your Personal Data.
- You have the right to receive your Personal Data, which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller when the processing is based on your consent or is necessary for the performance of a contract.

EvoSwitch US acknowledges that EU individuals have the right to access the personal information that we maintain about them. An EU individual who seeks access, or who seeks to correct, amend, or delete inaccurate data, should direct their query to the contact details listed below. If requested to remove data, we will respond within a reasonable timeframe.

If you have any requests regarding the abovementioned, please contact us using the contact details below. If we do not grant your request, we will inform you about the reason why.

CONSENT AND WITHDRAWAL OF CONSENT

You are entitled to withdraw your consent at any time by giving us notice. Upon receipt of a notice where your consent is withdrawn, we will without undue delay stop processing your Personal Data to the extent it is required under law. Please use the contact information at the bottom of the page should you wish to withdraw your consent given under this privacy statement.

STATEMENT CHANGES

EvoSwitch US reserves the right to change the privacy statement, and will post any revisions on the EvoSwitch website www.EvoSwitch.com. EvoSwitch US advises you to check this page regularly to see if any changes have been implemented.

CONTACT INFORMATION

If you have any requests, questions or suggestions about EvoSwitch US's privacy practices, please send an email to info@evoswitch.com.

EvoSwitch USA, Inc., a company incorporated under the laws of the United States of America and having its offices at 9651 Hornbaker Road, Manassas, VA 20109, United States of America.

This privacy statement was most recently changed on 1 December 2018.

