

## PRIVACY POLICY FOR CLOUD & MANAGED SERVICES

This Privacy Policy for Cloud & Managed Services (“**Privacy Policy**”) applies to the Customer’s use of the Cloud Services (“**Services**”) provided by Software AG Government Solutions Inc. (“**Supplier**”).

If you are a California Consumer within the meaning of the California Consumer Privacy Act of 2018 (“**CCPA**”), please see our Notice to California Consumers (“**CCPA Notice**”) in Section 9 of this Privacy Policy. The CCPA Notice supplements the information contained in [Software AG’s Privacy Statement](#).

### 1 INFORMATION COLLECTED

- 1.1 **Collected Data:** The Supplier may collect and process Personal Data as such term is defined in Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (“**GDPR**”) in connection with Customer’s access and use of the Services. Personal Data means any information relating to an identified or identifiable natural person (“**Data Subject**”).
- 1.2 **Scope:** This Privacy Policy only applies to Personal Data that is collected by the Supplier in its role as data controller as is necessary for Supplier to provide the Cloud Services to Customer. The Data Processing Agreement concluded by Customer and Supplier applies if Supplier processes Personal Data as a data processor on the Customer’s behalf. Personal Data is processed on the Customer’s behalf if the Customer determines the purposes and means by which such Personal Data is processed.
- 1.3 **Categories of Data:** As data controller, Supplier processes the following categories of Personal Data:
  - (a) first name, last name, email address, country, job title, phone number, fax number, company name, used products of the Supplier and additional information provided when contacting the Supplier using the websites, especially information provided in free text fields of contact forms (“**contact data**”);
  - (b) Personal Data sent by the User’s web browser, i.e. information about the type of web browser, the operating system and selected settings (e.g. language, region, font size, font types and other configuration) may be collected (“**browser data**”);
  - (c) IP address, information about the amount of data transferred, stored in access log files (“**usage data**”).

### 2 PURPOSES AND LAWFULNESS OF THE DATA PROCESSING

**Purposes:** The Supplier processes Personal Data to the extent required for the following purposes:

- (a) **Providing the Services:** In accordance with the terms and conditions of the Cloud Services Agreement, the Supplier collects processes and uses Personal Data for the purpose of providing the Services, preventing or addressing service or technical problems, in connection with a Customer support matter, for billing, customization, training or as may be required by law. The lawfulness for the data processing is the performance of a contract (i.e., the Cloud Services Agreement). Processing this Personal Data is required to fulfill the contractual obligations set out in the Cloud Services Agreement. Supplier must process this Personal Data in order to provide Customer with the Services.
- (b) **Security Purposes:** Supplier will process usage data for internal system-specific purposes to secure the websites and IT systems from malicious attacks by third parties. The lawful basis of data processing is the balancing of Supplier’s interest in the security of the IT systems and Customer’s potentially conflicting interest in non-processing of the usage data by the Supplier. Taking into account the security and organizational measures of the processing of the usage data by the Supplier, Supplier considers Customer rights and interests appropriately taken into account and protected.
- (c) **Marketing Purposes:** If Customer has given lawful consent, the Supplier will use Personal Data for marketing purposes, e.g. to send newsletters.
- (d) **Improvement:** Supplier will use browser data for market research, to improve the Services, and to improve the user experience. The lawful basis for data processing is Supplier’s legitimate interest.
- (e) **Statistical Purposes:** Supplier will process usage data for statistical purposes, for the analysis of advertisement on its websites, and for adapting the advertisement for its products and services to better match the users’ interests. Log files are only used for statistical analysis of the visitors to the Supplier’s websites. Such data is deleted after having been analyzed. The lawfulness for processing this data for statistical purposes is the Supplier’s legitimate interest, e.g. internal organization.
- (f) **User Training:** The Supplier may process product usage data to provide in-tool guidance to improve the user’s ability to use the cloud products effectively. The lawfulness for processing this data is the Supplier’s legitimate interest (e.g. to improve the user’s acceptance of the cloud products).

Beyond these purposes, the Supplier uses and processes Personal Data only if prior consent has been expressly granted thereto and if information about the purposes has been provided. In particular, the Supplier does not use Personal Data for automated individual decisions and profiling.

### 3 DATA RECIPIENT CATEGORIES

- 3.1 **Supplier’s Departments:** Personal Data will be processed by Supplier personnel in the respective departments who need to know the Personal Data for the respective purposes.
  - (a) contact data: any departments that might be involved to process a Customer request; marketing and sales departments responsible for the Customer’s region
  - (b) comment data: marketing or the respective product departments that are responsible for operating the blogs or discussion boards
  - (c) browser data and usage data: marketing and the IT departments that are responsible for operating the respective websites
- 3.2 **External Service Providers:** Supplier has contracted external data processing service providers to process Personal Data on its behalf and according to its instructions. Such service providers support Supplier, especially relating to administering, hosting, distributing, reselling, and/or supporting the Services, hosting and operating the websites and blogs, marketing purposes, statistical analysis, improving the websites and sending Supplier’s email newsletters. If these external companies have access to Personal Data, respective data processing agreements are in place. The entity hosting the Services (“**Hosting Entity**”) is identified in the Cloud Services Attachment or other contract document between the Supplier and the Customer.

### 4 CROSS-BORDER DATA TRANSFERS

- 4.1 **Data Transfers:** Supplier may transfer Personal Data to recipient organizations, including external service providers and/or Supplier’s group companies, located in countries outside the European Union/European Economic Area. Countries outside of the EU/EEA may not provide a level of data protection equivalent to that provided by EU data protection law.
- 4.2 **Legal Bases for Data Transfers:** The lawfulness of the data export is the Supplier’s legitimate interest or legitimate interests of the recipients, e.g. internal administrative purposes, and no higher legitimate Customer interests, the fulfillment of legal obligations or consent. Beyond that, the Supplier does not forward Personal Data to other third parties, unless the Supplier is obliged to do so by virtue of statutory provisions or order of any judicial or other public authorities or consent has explicitly been given for that purpose. Particularly, Personal Data will not be sold, leased or exchanged. Such data transfers take place within the Supplier’s group companies and the service providers listed in Section 4.4 only for the aforementioned purposes.

- 4.3 **Standard Contractual Clauses:** The Supplier uses the Standard Contractual Clauses approved by European Commission Decision of 5 February 2010 on standard contractual clauses for the transfer of personal data to processors established in third countries under Directive 95/46/EC of the European Parliament and of the Council (“SCCs”) or any replacement SCCs as the legal data transfer mechanism for transferring Personal Data to any data recipient located in a third country, expressly including the United States, to which an adequacy decision issued by the European Commission does not apply. A copy of the SCCs may be requested by contacting the Supplier’s Data Protection Group at [dataprotection@softwareag.com](mailto:dataprotection@softwareag.com)
- 4.4 **Third Country Data Recipients:** The following organizations in third countries may access Personal Data. Supplier has concluded SCCs in order to ensure an adequate level of Personal Data protection. Please see listed organizations for additional details on their individual privacy practices.

#### Software AG Group Organizations and External Service Provider

Name	Address
Software AG Australia Pty Ltd.	201 Miller Street, Level 16, North Sydney, NSW 2060, Australia
Software AG Cloud APJ PTY Ltd.	201 Miller Street, Level 16, North Sydney, NSW 2060, Australia
Software AG (Gulf) S.P.C.	Office No. 31, 3rd Floor, Building No. 1269, Road No. 3227, Block 332, Manama, Bahrain
Software AG Brasil Informatica e Serviços Ltda	Av. Das Nações Unidas 12.901, 33° andar, Torre Norte, CEP 04578-000 São Paulo/SP, Brazil
Software AG Factoria S.A.	La Concepción 141, Piso 8, Oficina 808, Santiago, CP8320176, Chile
Software AG Limited	Room 1701-2, 17/F, No. 8 Fleming Road, Wanchai, Hong Kong, China
Software AG Chennai Development Center India Pvt Ltd	VBC Solitaire, 4th Floor, No.47 & 49, Bazulla Road, T.Nagar 600 017 Chennai, India
Software AG Bangalore Technologies Private Ltd.	Embassy Tech Village 5th and 6th Floor, 2A East Tower, Marathahalli Outer Ring Road 560 103, Devarabisanahalli Bangalore, India
Software AG Operations Malaysia	Suite 2B-22-1, Level 22, Block Sdn Bhd.2B, Plaza Sentral, Jalan Stesen Sentral 5, Kuala Lumpur Sentral, 50470 Kuala Lumpur, Malaysia
Software AG, S.A.de C.V.	Blvd Manuel Avila Camacho No. 88 Piso 11, Torre Picasso, Col. Lomas de Chapultepec 11590 Mexico, Distrito Federal, Mexico
Software AG, Inc.	12F Multinational Bancorporation Centre, Ayala Avenue, 1225 Makati City, Philippines
Limited Liability Company Software AG	Kosmodamianskaya Naberezhnaya, 52, building 4, 3rd floor, 115054 Moscow, Russia
Software AG Pte LTD	12 Marina Boulevard #17-04, Marina Bay Financial Centre Tower 3, 018982 Singapore
Software AG South Africa (Pty) Ltd	Culross on Main Office Park, 34 Culross Road, Building 3, 2021 Bryanston, South Africa
Software AG Bilgi Sistemleri Ticaret A.S.	Degirmen Yolu Sok. No: 4, Sasmaz Plaza Kat: 9, TR-34742 Istanbul, Turkey
Software AG International FZ-LLC	Star Building, EIB 4, Office #204, P.O. Box # 502274, Dubai, U.A.E.
Amazon Web Services, Inc.	410 Terry Avenue North, Seattle, WA 98109, United States
Software AG Cloud Americas, Inc.	1209 Orange Street, Wilmington, DE 19801, United States
Software AG USA, Inc.	11700 Plaza America Drive, Suite 700, Reston, VA 20190, United States

#### 5 DATA RETENTION

**Retention:** Personal Data will be kept by the Supplier as long as necessary to provide the Customer with the requested Services. If the Supplier no longer needs the Customer’s Personal Data to comply with contractual or legal obligations, they will be deleted from the systems or anonymized accordingly, so that identification is not possible, unless the Supplier has to keep the information, including Personal Data, to comply with legal or regulatory obligations (e.g. statutory retention periods which may arise from the commercial laws or tax laws and may in principle be 6 to 10 years or, if during the statutory limitation periods, which are regularly 3 years, but may be up to 30 years, evidence must be secured).

#### 6 SECURITY

**Security:** Supplier implements the technical and organizational measures that are commercially reasonable in relation to the respective purpose of data protection, in order to protect the information provided by the Customer against abuse and loss. Such data is stored in a secure operating environment that is not accessible to the public. All Supplier personnel are instructed on data protection and obliged to enter into a confidentiality agreement.

#### 7 INFORMATION TRACKING

**Information Tracking:** Information about the usage of cookies, especially for marketing purposes, can be found in the [Cookie Policy](#).

#### 8 DATA SUBJECT RIGHTS UNDER GDPR

- 8.1 **Data Subject Rights:** If you are considered a Data Subject to whom the GDPR applies, you have the rights detailed below in this Section. Each Data Subject also has the right to file a complaint with a data protection supervisory authority.

**Right to information:** The Data Subject may have the right to ask the Supplier for confirmation of the processing of Personal Data in question and,

if so, of the right to information about such Personal Data. The right to information includes, among other things, the processing purposes, the categories of Personal Data being processed and the recipients or categories of recipients to whom the Personal Data is disclosed. The Data Subject may also have the right to receive a copy of the Personal Data that is the subject of the processing. However, the rights of others may limit the Data Subject's right to receive a copy.

• **Right to rectification:** The Data Subject may be entitled to request the correction of incorrect Personal Data concerning the Data Subject. In consideration of the purposes of processing, the Data Subject has the right to request the completion of incomplete Personal Data, including by means of a supplementary statement.

• **Right to erasure ("Right to be forgotten"):** Under certain conditions, the Data Subject has the right to ask Supplier to delete Personal Data.

• **Right to restriction of processing:** Under certain circumstances, the Data Subject has the right to demand that the Supplier restricts the processing of Personal Data. In this case, the corresponding data will be marked and processed by the Supplier only for specific purposes.

• **Right to data portability:** Under certain circumstances, the Data Subject has the right to receive the Personal Data relating to him/her that the Data Subject has provided to the Supplier in a structured, commonly used and machine-readable format and the Data Subject has the right to transfer that data to another person without obstruction by the Supplier.

• **Right to revocation of consent:** If the Data Subject has given consent for some data processing activities, he/she may revoke such consent at any time with future effect. Such revocation shall not affect the lawfulness of the processing on the basis of the consent until the revocation.

• **Right to object:** For reasons arising from the Data Subject's particular situation, he/she has the right to object to the processing of Personal Data relating to him/her on the basis of Art. 6(1f) GDPR (data processing based on legitimate interests). If the Data Subject objects, the Supplier will no longer process his/her Personal Data unless compelling legitimate grounds for processing that outweigh the Data Subject's interests, rights and freedoms can be established or the processing is for the purposes of asserting, exercising or defending legal claims.

8.2 **Contact Information:** To exercise your legal rights under the GDPR, please contact the Supplier's Data Protection Group at:

Software AG Government Solutions  
Data Protection Officer  
12950 Worldgate Drive, Suite 300, Herndon, VA 20170  
Email: [dataprotection@softwareag.com](mailto:dataprotection@softwareag.com)

## 9 NOTICE TO CALIFORNIA CONSUMERS

If you are a California Consumer within the meaning of the California Consumer Privacy Act of 2018 ("CCPA"), the following Notice regarding the CCPA ("CCPA Notice") applies to you. Software AG Government Solutions Inc. ("Supplier" or "we") may process Personally Identifiable Information ("PII") in order to provide the Cloud Services. PII means any information relating to an identified or identifiable natural person.

This CCPA Notice supplements the information contained in [Software AG's Privacy Statement](#).

### (a) CATEGORIES OF PII

We collected the following categories of PII during the past 12 months:

- Identifiers, such as name, address, username, account name, IP address, or email address;
- Commercial information, such as information regarding your interaction with our products or services;
- Internet or Other Electronic Network Activity, such as browsing history, search history, and information regarding your interactions with our website, products, or services;
- Geolocation information, such as the location of your device or computer;
- Inference data, such as information about your preferences;
- Personal information described in the California Customer Records Statute (Cal. Civ. Code §1798.80(e)), such as name, address, telephone number, employment, or financial information. Examples include browsing history, search history, information on a consumer's interaction with a website, application, or advertisement

### (b) SOURCES OF PII

We obtain the categories of PII listed above from the following sources:

- Directly from our affiliates, customers, or partners, such as from data that our customers provide to us related to the products or services that we provide;
- Indirectly from affiliates, customers, or partners, such as from data that we collect from our customers in the course of providing our products or services;
- Directly and indirectly from your interaction with our website or services, such as from information regarding your interaction with our services that is collected automatically.

### (c) USES OF PII

We use PII for the purposes set out in Section 3 of Software AG's Privacy Statement.

### (d) SHARING OF PII FOR A BUSINESS PURPOSE

We may share PII to support our operational purposes, termed "business purposes" under the CCPA, with our affiliates, partners, service providers, and other authorized third parties. During the past 12 months, we disclosed the following categories of PII for a business purpose:

- Identifiers, such as to ensure the security and integrity of our website, products, or services;
- Commercial information, such as to communicate with you regarding our products or services;
- Personal information described in the California Customer Records Statute, such as financial information, for payment purposes;
- Internet or other electronic network activity, such as to improve our website, products, or services.

### (e) WE DO NOT SELL PII

We have not sold personal information during the past 12 months.

### (f) CCPA RIGHTS

California consumers have the following rights under the CCPA:

- **Access:** Under the CCPA, you have the right to access or request a copy of personal information that we have collected about you during the past 12 months. You have the right to request that we disclose to you the personal information that we collect, the sources of such personal information, and the purposes, uses, and disclosures of your personal information.
- **Deletion:** Under the CCPA, you have the right to request that we delete your personal information. Once we confirm your verifiable consumer request, we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies, such as if the personal information is necessary to complete the transaction or contract for which it was collected, if it is being used to detect, prevent, or investigate security incidents, comply with a legal obligation, identify and repair errors that impair the functionality of our products or services, or ensure another consumer's ability to exercise their free speech rights or other rights provided by law.

Please note that before responding to a request to exercise the right to access or deletion, we must verify your identity or authority to make the request and confirm that the personal information relates to you. We may need to request additional information in order to verify that you are the person about whom we collected personal information or an authorized representative.

To exercise your rights under the CCPA, please contact us at [dataprotection@softwareag.com](mailto:dataprotection@softwareag.com).

### (g) NON-DISCRIMINATION

We will not discriminate against you for exercising your rights under the CCPA. Such discrimination may include denying goods or services, charging different prices or rates for services, providing a different level or quality of services, or suggesting that you will receive a different level or quality of

goods or services as a result of exercising your rights under the CCPA.

**10 SOFTWARE AG CONTACT INFORMATION**

To exercise your legal rights or to address any questions, comments, or complaints regarding this Privacy Policy or Supplier's privacy practices, please contact Supplier's Data Protection Group at:

Software AG Government Solutions  
Data Protection Officer  
12950 Worldgate Drive, Suite 300, Herndon, VA 20170  
Email: [dataprotection@softwareag.com](mailto:dataprotection@softwareag.com)