



Specific Disclosures for the European Economic Area

(This section is effective on May 25, 2018)

This section applies to data processing activities of data subjects residing in the European Economic Area.

“Personal Data,” for purposes of this section, means any information relating to an identified or identifiable natural person (‘data subject’). An identifiable natural person is one who can be identified, directly or indirectly, by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

“Site” or “Services” means our website and customer portal.

We may process certain Personal Data to maintain and provide the Site to our customers, such as names, addresses, email addresses, and other contact information for designated customer representatives or personnel (“Customer Relationship Data”). In addition, we may send marketing materials or communications to potential or existing customers (“Marketing Activities”). For purposes of Customer Relationship Data and Marketing Activities, we function as a “controller.” Our disclosures with respect to our processing of data as a controller are set forth in this section.

(Our colocation services do not engage in the processing of personal data as defined by the jurisdictional scope of GDPR and are not covered by this Privacy Notice.)

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1. HOW WE COLLECT AND USE PERSONAL DATA

We collect information from you when you register on our site, subscribe to our newsletter or fill out a form. When registering on our site, as appropriate, you may be asked to enter your: name, e-mail address, mailing address or phone number. You may, however, visit our site anonymously.

2. HOW WE DISCLOSE PERSONAL DATA

Our disclosure is limited to circumstances where we are permitted to do so under applicable European and national data protection laws and regulations. HubSpot, a company with whom we share data for purposes of marketing our Site to potential and existing customers is available here:

[The GDPR & HubSpot](#)

3. LEGAL BASIS FOR PROCESSING

We collect and process your Personal Data for a variety of different purposes which are set out in further detail in this section.

In some cases, we will ask for your consent so that we may process your Personal Data. However, in certain circumstances, applicable data protection laws allow us to process your Personal Data without needing to obtain your consent.

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3.1. PROCESSING PERSONAL DATA WHERE CONSENT NOT REQUIRED

In certain cases, separate consent is not required, including:

- **For the performance of a contract.**

To perform our contractual obligations to you, including our fulfilling orders or purchases you have made, contacting you in relation to any issues with your order or use of our Site, in relation to the provision of our Site, or where we need to provide your Personal Data to our service providers related to the provision of the Site, including for license activation and management.

- **To comply with legal obligations.**

To comply with laws, regulators, court orders, or other legal obligations, or pursuant to legal process.

- **Legitimate Interests.**

To operate our business and provide our Site (other than in performing our contractual obligations to you) for our “legitimate interests” and for the purposes of applicable law, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data. Legitimate interests may include:

- To communicate with you regarding the Site, including to provide you important notices regarding changes to our [vXchnge Privacy Policy](#) and to address and respond to your requests, inquiries, and complaints.
- For our direct marketing purposes.
- To send you surveys in connection with our Site.
- To assist in the investigation of suspected illegal or wrongful activity, and to protect and defend our rights and property, or the rights or safety of third parties.
- To develop, provide, and improve our Site.

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- To enforce our Terms of Use, License Agreements, or this Privacy Notice, or agreements with third parties.

3.2. CONSENT FOR PROCESSING

In cases where we are not already authorized to process the Personal Data under applicable law, we may ask for your consent to process your Personal Data, including:

- **Marketing**

We may ask for your consent to contact you by telephone, SMS, post and/or email about other offers, products, promotions, or developments which we think may be of interest to you and for other marketing purposes. This contact may originate from vXchnge or our partners or vendors on our behalf.

- **Use of Cookies**

Our Site uses cookies and similar technologies to improve user experience and for analytics. We also use cookies and similar technologies for purposes of marketing and advertising, including interest-based advertising. For more information on interest-based advertising, see section 3 (Interest-Based Advertising). In those jurisdictions that require it, we allow the data subject to give explicit permission or to deny the use of certain categories of cookies.

A “cookie” is a small text file that a web server stores in browser software. A browser sends cookies to a server when the browser makes a connection to the server (for example, when requesting a web page from the same domain that created the cookie). The purpose of cookies is to remember the browser over time and distinguish one browser instance (or user) from all others. Some cookies and other technologies may serve to track Personal Data previously entered by a web user on our site. Most browsers allow you to control cookies, including whether to accept them, and how to remove them. Cookies can remember login information, preferences, and similar information.

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Cookies, as well as other tracking technologies such as web beacons, HTML5 local storage, and Local Shared Objects (such as “Flash” cookies), and similar mechanisms, may record information such as a unique identifier, information you enter in a form, IP address, and other categories of data.

If you want to block the use and saving of cookies from the Site on to their computers hard drive, you should take the necessary steps within your web browser’s settings to block all cookies from the Site and its external serving vendors or use the cookie control system. Please note that if you choose to erase or block your cookies, certain parts of our Site may not function correctly. For information on how to disable cookies, refer to your browser’s documentation.

4. **INTEREST-BASED ADVERTISING**

Interest-based advertising is advertising that is targeted to you based on your web browsing and app usage over time and across websites or apps. You have the option to restrict the use of information for interest-based advertising and to opt-out of receiving interest-based ads. Depending on from where you access our Site, you may also be asked to consent to our use of cookies, including advertising cookies.

The opt-outs for interest-based advertising require that strictly necessary cookies are not blocked by the settings in your web browser. We support the Self-Regulatory Principles for Online Behavioral Advertising of the [Digital Advertising Alliance](#) in the U.S., the [Canadian Digital Advertising Alliance](#) in Canada, and the [European Digital Advertising Alliance](#) in the EU. If you live in the United States, Canada, or the European Union, you can visit [Ad Choices](#) (US), [Your Ad Choices](#) (Canada), or [Your Online Choices](#) (EU) to find a convenient place to opt-out of interest-based advertising with participating entities for each region. These websites also provide detailed information about how interest-based advertising works. Opting out does not mean that you will no longer receive advertising from us, or when you use the Internet. It just means that the data collected from our website will not be used for interest-based advertising and that the advertising you see displayed on websites will not be customized to your interests.

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5. WITHDRAWING YOUR CONSENT

You may at any time withdraw the consent you provide for the processing of your Personal Data for the purposes set forth in this Privacy Notice by contacting us at isms@vxchnge.com, provided that we are not required by applicable law or professional standards to retain such information.

If you want to stop receiving future marketing messages and materials, you can do so by clicking the “unsubscribe” link included in our email marketing messages or by contacting us at marketing@vxchnge.com.

6. DATA SUBJECT RIGHTS

You have the right in certain circumstances to request confirmation from us as to whether or not we are processing your Personal Data. Where we are processing your Personal Data, you also have the right to request access to, modification of, or deletion of such Personal Data.

You also have the right in certain circumstances to receive the Personal Data concerning you that you provided to us, to restrict processing of your Personal Data, or to transmit such data to another controller.

To exercise your rights with respect to your Personal Data, please contact us at isms@vxchnge.com. As permitted by law, certain data elements may not be subject to access, modification, portability, restriction, and/or deletion. Furthermore, where permissible, we may charge for this service. We will respond to reasonable requests as soon as practicable and as required by law.

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7. DE-IDENTIFIED OR ANONYMIZED DATA

We may create de-identified or anonymous data from Personal Data by removing data components (such as your name, email address, or linkable tracking ID) that makes the data personally identifiable to you or through obfuscation or through other means. Our use of anonymized data is not subject to this Privacy Notice.

8. DATA RETENTION

We will retain your Personal Data for as long as long as you maintain an account or subscription agreement or as otherwise necessary to provide the Site's functionality to you. We will also retain your Personal Data as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

9. RIGHT TO LODGE A COMPLAINT WITH A SUPERVISORY AUTHORITY

You may have a right to lodge a complaint with a supervisory authority.

10. CONTACT US

For questions regarding this Privacy Notice, please contact us at: marketing@vxchnge.com.

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