ProphetStor Privacy Statement

ProphetStor Data Services, Inc. and its affiliated companies and subsidiaries (collectively, “ProphetStor,” “we,” “us,” or “our”) respect your privacy. This Privacy Statement explains how ProphetStor collects, uses, and discloses your information. The Privacy Statement applies to all services and products, except those products that have a separate Privacy Statement.

Where applicable, you consent to the use of your information as described in this Privacy Statement each time you use our products or services or interact with us through our websites, so we urge you to read this document in full, and Contact Us if you have any questions.

COLLECTION AND USE OF PERSONAL INFORMATION

Personal information is information that can be used to directly or indirectly identify you. Personal information also includes anonymous information that is linked to information that can be used to directly or indirectly identify you. Personal information does not include information that has been irreversibly anonymized or aggregated so that it can no longer enable us, whether in combination with other information or otherwise, to identify you.

Here is a description of the types of personal information we may collect and how we may use it:

What Personal Information We Collect

Depending on the products and services you use, we collect different kinds of personal information from or about you.

● **Information You Provide:** We collect the personal information you provide—such as your name, username, or email address—when you use or register our products and services, create an account (individual or corporate), Contact Us, request support, participate in an online survey, request information or materials (e.g., whitepapers), apply for employment, interact with us at in-person events, or otherwise interact with us.
Information about Payments: If you make a purchase, we collect personal information in connection with the purchase. This information includes payment information, such as your credit or debit card number and other card information; other account and authentication information; and billing, shipping, and contact details.

Information about Use of Our Services and Products: When you visit our websites, we may collect information about the type of device you use, your device’s unique identifier, the IP address of your device, your operating system, the type of Internet browser that you use, usage information, diagnostic information, browsing information, session summary information, file attributes (including attributes for photos, videos, music, and documents), and location information from or about the computers, phones, or other devices on which you install or access our products or services. We may gather some of this information automatically. Where available, our services may use your IP address, and other technologies to determine a device’s approximate location to allow us to improve our products and services.

Information from Third Parties: We may collect information from third parties, including business partners and marketing agencies. This includes your contact information from marketing partners when we engage in joint marketing or co-branding activities, your IP address or location information from service providers to offer certain products and services relevant to your location, and data from your social networks to authenticate your product use with us, or that you grant permission to our products or services to access.

How We Use Your Personal Information

ProphetStor uses personal data in an effort to enhance your experience on our websites. In addition, we may use personal data we collect about you for the following purposes:

Identify and Authenticate You. We use your personal data to verify your identity when you access and use our products and services and to ensure the security of your personal data. This includes your creation of an account that is associated with your personal data. The personal data that may be collected and processed for this purpose includes: name, title, company name, email address, telephone number, postal address, language, username, and password. We process this information in order to comply with our contractual obligations to you.
Fulfill Your Requests. If you request something from ProphetStor, such as a product or service, a call back, a newsletter subscription, or specific marketing or other materials, we use the personal data you provide to respond to your request. We or our representatives may also contact you as part of customer satisfaction surveys or for market research purposes. Where required by applicable law, we will obtain your consent before sending marketing messages. The personal data that may be collected and processed for this purpose includes: name, title, company name, email address, telephone number, postal address, language, username, payment information, purchase records, credit and billing status, and support inquiries. We process this information in order to comply with our contractual obligations to you when responding to your requests. In other cases, it is in our legitimate business interests to be able to provide customers and prospective customers with information, goods, or services they request.

Provide You with Information about Our Products, Services and Events. ProphetStor may use your personal data to notify you about product and service offerings as well as events that we believe may be of interest to you. ProphetStor also may use your personal data to respond directly to your requests for information, including registrations for newsletters or other specific requests. The personal data that may be collected and processed for this purpose includes: name, title, company name, email address, telephone number, postal address, language, username, payment information, purchase records, credit and billing status, and support inquiries. It is in our legitimate business interests to be able to provide customers, prospective customers, and the public with information about our products, services, and events.

Provide Support and Customer Service. We use your personal data to provide support for products or services you have obtained from us and answer other questions. In the course of providing technical support to you, we may sometimes have incidental access to data that you have provided to us or data that is located on your systems. This data may contain information about you, or your organization’s business, employees, customers, partners, or suppliers. This Privacy Statement does not govern our access to or handling of this information. The conditions regarding the handling and processing of that data is covered by the applicable agreement between you and ProphetStor. The personal data that may be collected and processed for this purpose includes: name, title, company name, email address, telephone number, postal address, language, username, payment information, purchase records, credit and billing status, and support inquiries. We process this information in order to comply with our contractual obligations to you.
● **Process Your Job Application.** When you apply for a position at ProphetStor, we use the personal data you provide for the purpose of assessing your application, considering you for future positions and carrying out human resources functions in accordance with applicable law. ProphetStor will share the personal data you supply during the application process with internal human resources professionals as well as professionals in our business functions who are participating in the application and interview process. The personal data that may be collected, shared, and/or processed for this purpose includes: name, title, company name, email address, telephone number, postal address, language, resume, cover letter, age, education, professional history and contact details. It is in our legitimate business interests to be able to review the qualifications of prospective employees and perform human resources functions with regard to our employees.

We will not use your personal data in a manner that is inconsistent with the purpose of its original collection, unless you have consented.

**COOKIES AND SIMILAR TECHNOLOGIES**

When you visit our websites, we may automatically collect information such as your IP address, browser type and language, operating system, location, date and time. We may also use cookies to collect information as you navigate our websites. A cookie is a small amount of data that is sent to your browser from a web server and stored on your device. The cookie may be placed by ProphetStor or by an authorized third party. We use both session-based and persistent cookies on our websites. Session-based cookies exist during a single session and disappear when you close your browser or turn off your device. Persistent cookies remain on your device even after you close your browser or turn off your device.

ProphetStor categorizes the cookies on our websites into the following categories:

● **Essential Cookies.** Essential cookies are necessary to enable the basic features of the website to function. ProphetStor uses some cookies that are essential for the delivery of services on our websites. Cookies that are essential allow us to maintain and improve the safety and security of our websites, authenticate account users, allow you to access your private accounts on our websites, and balance the traffic on our websites. Cookies that are essential are not used for marketing purposes.
● **Functional Cookies.** Functional cookies allow us to analyze your use of the website to evaluate and improve our performance. ProphetStor also uses functional cookies to improve our services to you and personalize your web browsing experience, such as by gaining a better understanding of your interests and requirements regarding our websites, our business or our products and services. Cookies that ProphetStor uses to improve our services and your website experience may remember your language and site preferences, invite you to participate in surveys or evaluations, show you when you are logged into our system and allow you to remain logged-in for a period of time, help provide you with support services, and remember your login information. ProphetStor also uses cookies that collect information about how you use our websites, including which pages you visit, and whether you experience any errors. These cookies use aggregate information to provide statistics on how our websites are used, help us improve our websites by measuring errors, testing different designs on our websites, and helping us measure the traffic on our websites so that we can optimize our content accordingly. These cookies are used to help us improve how our websites work, understand what interests our users, and measure website quality.

● **Social Networking Cookies.** These cookies are used to enable you to share pages and content on our websites and services through third-party social networking and other websites.

If you do not want your information to be stored by cookies, you can manage your cookie preferences by using the options and tools made available to you by your web browser or device. You can configure your browser so that it always rejects these cookies or asks you each time whether you want to accept them or not. Your browser documentation includes instructions explaining how to enable, disable or delete cookies at the browser level (usually located within the “Help”, “Tools” or “Edit” facility). Please understand that choosing to reject cookies may reduce the performance and functionality of our websites.

While ProphetStor websites at this time generally do not recognize automated browser signals regarding tracking mechanisms, such as “do not track” instructions, you can generally express your privacy preferences regarding the use of most cookies and similar technology through your web browser.

**DISCLOSURE OF PERSONAL INFORMATION**
ProphetStor will not sell, rent or lease your personal data to others without your consent. ProphetStor discloses personal data in the following ways:

**Service Providers**

ProphetStor may disclose personal data to business partners and service providers in order to support our business operations, such as (but not limited to) fulfilling your orders, following up on requests, providing support and assisting ProphetStor with sales, marketing and communication initiatives. These business partners and service providers include distributors, resellers, payment processors, financial service providers and institutions, materials production and shipping companies, postal or government authorities, market intelligence and consulting service providers, and information technology service providers. Business partners and service providers are required by contract to keep the information received on behalf of ProphetStor confidential and secure and not use it for any purpose other than the purpose for which it was provided to them.

**Corporate Affiliates and Corporate Business Transactions**

We may share personal information with all ProphetStor-affiliated companies. In the event of a merger, reorganization, acquisition, joint venture, assignment, spin-off, transfer, or sale or disposition of all or any portion of our business, including in connection with any bankruptcy or similar proceedings, we may transfer any and all personal information to the relevant third party.

**Legal Compliance and Security**

It may be necessary—by law or as a result of legal process, litigation, or requests from public or governmental authorities within or outside your country of residence—for us to disclose personal information. We may also disclose personal information if we determine that for purposes of national security, law enforcement, or other issues of public importance, disclosure is necessary or appropriate.

We may also disclose personal information if we determine in good faith that disclosure is reasonably necessary to protect our rights and pursue available remedies, enforce our terms and conditions, investigate fraud, or protect our operations or users.

**YOUR RIGHTS**
We take reasonable steps to ensure that your personal information is accurate, complete, and up-to-date. Depending on where you live, you may have the rights described below.

Where the EU General Data Protection Regulation 2016/679 ("GDPR") or similar legal requirements apply to the processing of your personal data, especially when you access the website from a country in the European Economic Area ("EEA"), you have the right to access, correct, or delete the personal information that we collect. You are also entitled to object to or restrict, at any time, the further processing of your personal information. You have the right to receive your personal information in a structured and standard format. You may lodge a complaint with the competent data protection authority regarding the processing of your personal information.

To protect the privacy and the security of your personal information, we may request information from you to enable us to confirm your identity and right to access such information, as well as to search for and provide you with the personal information we maintain. There are instances where applicable laws or regulatory requirements allow or require us to refuse to provide or delete some or all of the personal information that we maintain.

You may Contact Us to exercise your rights. We will respond to your request in a reasonable timeframe, and in any event in less than 30 days.

CALIFORNIA PRIVACY RIGHTS

If you are a California resident, California law permits you to request information regarding the disclosure of your personal information to third parties for the third parties’ direct marketing purposes. To make such a request, please Contact Us and include “California Privacy Rights Request” in the first line of the request.

CLOSING ACCOUNTS

Please Contact Us to close your account in relation to our uses of your personal information as detailed above.

If you close your account, we have no obligation to retain your information, and we may delete any or all of your information without liability. We may retain, however, information related to you if we believe it may be necessary to prevent fraud or future abuse, if required by law, or for legitimate purposes, such as analysis of non-personal
information, account recovery, auditing our records, or enforcing our rights and obligations under our agreements.

SOCIAL MEDIA, PUBLIC FORUMS AND LINKS TO THIRD-PARTY WEBSITES

ProphetStor may provide social media features that enable you to share information with your social networks and interact with ProphetStor on various social media websites. Your use of these features may result in the collection or sharing of information about you, depending on the feature. We encourage you to review the privacy policies and settings on the social media websites with which you interact to make sure you understand the information that may be collected, used, and shared by those websites.

Our websites may make chat rooms, forums, blogs, message boards, and/or news groups available to its users. Remember that your comments and posts become publicly available, and we urge you to exercise discretion when submitting such content.

Our websites may contain links to other websites. ProphetStor does not control and is not responsible for the information collected by websites that can be reached through links from our websites. If you have questions about the data collection procedures of linked websites, please contact the organizations that operate those websites directly.

INFORMATION SECURITY, INTEGRITY, AND RETENTION

It is important that you take precautions to protect against unauthorized access to your ProphetStor products, account credentials, and computers or other devices. If you feel that the security of your account or personal information has been compromised, please immediately Contact Us. Please be aware that, despite our efforts, no security system is impenetrable. In the event of a security breach, we will promptly notify you and the proper authorities if required by law.

We will retain your personal information for as long as it is necessary to fulfill the purposes outlined in this Privacy Statement, unless a longer retention period is required or permitted by law.

CHILDREN
We do not knowingly collect, use, or disclose information from children under 16. If we learn that we have collected the personal information of a child under 16—or the equivalent minimum age depending on the jurisdiction, such as 13 in the United States—we will take steps to delete the information as soon as possible. Please immediately Contact Us if you become aware that a child under 16 has provided us with personal information.

If you are a California resident under the age of 18, and you are a registered user of our products or services, California law permits you to request and obtain removal of content or information you have publicly posted. To make such a request, please Contact Us with specific information about where the content or information is posted and attesting that you posted it. We will then make reasonable, good faith efforts to remove the post from prospective public view, or anonymize it so you cannot be individually identified, to the extent required by applicable law. Please be aware that such a request does not ensure complete or comprehensive removal of the content or information you have posted and that there may be circumstances in which the law does not require or allow removal even if requested.

INFORMATION TRANSFERS, STORAGE, AND PROCESSING GLOBALLY

When we share your personal information with our partners, ProphetStor-affiliated companies, and service providers, your personal information may be transferred to and/or made accessible from countries out of the EEA. In such circumstances, we will enter into model contractual clauses as adopted by the European Commission, or rely on alternative legal bases such as the Privacy Shield, where applicable, or binding corporate rules where our partners or service providers have adopted such internal policies approved by European data protection authorities.

CHANGES TO THIS PRIVACY STATEMENT

We may periodically change this Privacy Statement to keep pace with new technologies, industry practices, and regulatory requirements, among other reasons. We expect most such changes to be minor. Any non-material changes will take effect immediately upon posting of an updated Privacy Statement. There may, however, be cases where changes to the Privacy Statement may be more significant. In such cases, we will provide you either a prominent notice of such changes before they take effect or by directly sending you a notification.

Your continued use of our products and services after the effective date of the Privacy Statement means that you accept the revised Privacy Statement. If you do not agree to
the revised Privacy Statement, please refrain from using our products or services and Contact Us to close any account you may have created.

**EEA DATA PROTECTION AUTHORITY**

If you are a resident of the EEA and wish to raise a concern about our use of your personal data, you may direct questions or complaints to the Irish Data Protection Commissioner at:

Irish Data Protection Commissioner
Office of the Data Protection Commissioner
Canal House, Station Road, Portarlington, Co. Laois, R32 AP23, Ireland

Phone: +353 57 8684800
+353 (0)761 104 800
Fax: +353 57 868 4757
Email: info@dataprotection.ie

Alternatively, you may contact your local supervisory authority.

**CONTACT US**

If you have any questions regarding this Privacy Statement or its implementation, you may contact us at privacy@prophetstor.com. You also may write to us at:

ProphetStor Data Services, Inc.
830 Hillview CT STE 100
Milpitas, California, USA 95035

ProphetStor Representative Contact Information in the EEA:
ProphetStor Data Services, SAS
2 place de Touraine
78000 Versailles
France