

PRIVACY POLICY FOR CLOUD & MANAGED SERVICES

This Privacy Policy applies to the Customer's use of the Cloud Services ("Services"), effective as of August 27, 2020.

If the Customer is a resident of the U.S. State of California, please be aware that the [Privacy Notice for California Residents](#) applies in addition..

Notification of CJEU-Judgment of 16. July 2020 (Schrems II):

On July 16, 2020, the Court of Justice of the European Union issued a [judgment](#) declaring invalid" the European Commission's Decision (EU) 2016/1250 of 12 July 2016 on the adequacy of the protection provided by the EU-U.S. Privacy Shield. As a result of that decision, the EU-U.S. Privacy Shield Framework is no longer a valid mechanism to comply with EU data protection requirements when transferring personal data from the European Union to the United States. For personal data transfers to the U.S. relating to Software AG's cloud offerings as defined in the customer agreements, Software AG is using the remaining valid mechanism of the EU Standard Contractual Clauses according to EU Commission Decision 87/2010/EC ("SCCs").

1 INFORMATION COLLECTED

- 1.1 **Collected Data:** The Supplier may collect and process Personal Data (within the meaning of the 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.
- 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:
 - 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");
 - additional data provided to the Supplier in comments on the Supplier websites, especially in forms of discussion boards and using the comment features of blogs ("comment data");
 - 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");
 - IP address, information about the amount of data transferred, stored in access log files ("usage data");
 - functions used/clicked in a cloud product by a certain user ("product usage data").

2 PURPOSES AND LAWFULNESS OF THE DATA PROCESSING

- 2.1 **Purposes:** The Supplier processes Personal Data to the extent required to fulfill the respective 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 maybe required by law. The lawfulness for the data processing is the performance of a contract (the Cloud Services Agreement). Using this Personal Data is required to provide the contractual obligations. Without this Personal Data it would be not possible to receive the Services offered by the Supplier.
 - (b) **Security Purposes:** The Supplier will use usage data for internal system-specific purposes to secure the websites and IT systems from malicious attacks by third parties. The lawfulness is a balancing of interests of the conflicting interests of the security of the IT systems on the Supplier's part and the Customer's potentially conflicting interests in anon-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, the Supplier considers Customer rights and interests appropriately taken into account and protected.

- (c) **Marketing Purposes:** The Supplier will use contact data, usage data and product usage data for marketing purposes, e.g. to send newsletters or show in-tool announcements. The lawfulness for processing this data is the Supplier's legitimate interest (e.g. to improve the Services or offer additional services) or consent.
- (d) **Improvement:** The Supplier will use browser data for market research and the improvement of its Services, and to improve the user experience. The lawfulness for processing this data is consent or the Supplier's legitimate interest.
- (e) **Statistical Purposes:** The Supplier will collect 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 of the Supplier websites. The 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, or consent.
- (f) **User Training:** The Supplier will use product usage data to provide in-tool guidance to improve the user's ability to use the cloud products effectively for the offerings ARIS Basic and ARIS Advanced. The lawfulness for processing this data is the Supplier's legitimate interest (e.g. to improve the user's acceptance of the cloud products).

Providing direct marketing data, browser data and product usage data is optional for all cloud offerings besides ARIS Basic and ARIS Advanced. If such data is not provided, no direct marketing information will be sent, and Personal Data will not be used to improve the user experience and will not be used for statistical purposes. 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 RECIPIENTS CATEGORIES

- 31 **Supplier's Departments:** Personal Data will be processed by employees/officers/agents of the Supplier 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
- 32 **External Service Providers:** The Supplier has contracted external data processing service providers to collect and process Personal Data on behalf and according to the instructions of the Supplier. Such service providers support the 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 DATA TRANSFERS TO THIRD COUNTRIES

- 41 **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.
- 42 **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
- 43 **Standard Contractual Clauses:** The Supplier uses the 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 Department at: dataprotection@softwareag.com.

- 44 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.

Software AG Group Organizations and External Service Providers	
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 Servicos Ltda	Av. Das Nações Unidas12.901, 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 and6th 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 Chapultepec11590 Mexico, Distrito Federal, Mexico
Software AG, Inc.	12F Multinational Bancorporation Centre, Ayala Avenue, 1225 Makati City, Phillippines
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

External Service Provider for ARIS Basic and ARIS Advanced Cloud Services	
Name	Address
Gainsight	655 Montgomery Street 7th Floor, San Francisco, California 94111, United States

5 DATA 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

The 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. In addition, each of the Supplier's employees is instructed on data protection and obliged to enter into a confidentiality agreement.

7 INFORMATION TRACKING

Information about the usage of cookies, especially for marketing purposes, can be found in the Cookie Policy.

8 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 the 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 therevocation.
- **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.

To exercise these rights and/or to address any questions, comments, or complaints regarding this Privacy Policy or the privacy practices of the Supplier, please contact the Supplier's Data Protection Department at:

Software AG
Data Protection Officer
Uhlandstr. 12
64297 Darmstadt, Germany

Email: dataprotection@softwareag.com

It is possible to send encrypted emails using S/MIME:

[X.509 certificate](#) (zip file, contains dataprotection.cer)

[Software AG root certificate](#) (zip file, contains SoftwareAGInternalCa2.cer)