

Privacy Agreement

SoftLayer Technologies, Inc.

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Privacy Agreement (“PA”)

SoftLayer considers user privacy paramount, and SoftLayer utilizes great care in keeping the information of the customer and/or website user (“Customer”) private and secure. Additionally, SoftLayer complies with the U.S.-EU Safe Harbor Framework and the U.S.-Swiss Safe Harbor Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and Switzerland. SoftLayer has certified that it adheres to the Safe Harbor Privacy Principles of notice, choice, onward transfer, security, data integrity, access, and enforcement. To learn more about the Safe Harbor program, and to view SoftLayer’s certification, please visit <http://www.export.gov/safeharbor/>. To demonstrate our firm commitment to privacy, the following agreement has been created to explain our policies and procedures in relation to all data collected.

Types of Data Collected

SoftLayer collects data related to our users through the following methods:

- Automated means such as communication protocols and cookies
- Online registration and online signup forms
- Sales inquiries and transactions
- Online Customer communications
- Offline communications and interactions
- Third party sources of information

Depending upon the method of collection and use, the data collected may include information about the user from forms, registrations and transactions (such as name, title, address, company, phone number and e-mail address), financial/transaction information (such as credit card, card verification value (cvv), and payment information), information about use of SoftLayer web sites (such as electronic communications protocols, web pages visited, and cookies) and user preferences and privileges.

Electronic Communications Protocols and Cookies

SoftLayer may receive data from you as part of the communication connection itself through the standard electronic greeting between your computer and our servers. This information often consists of network routing (where you came from), equipment information (browser type), internet protocol address, date and time. At this time our server will also query your computer to see if there are “cookies” previously set by SoftLayer.com to facilitate log in or other site navigation procedures. A “cookie” is a small piece of information sent by a web server to store in a web browser so it can later be read back from that browser.

Cookies: Some parts of the SoftLayer site use cookies (including signup forms) to collect information about visitors’ use of the web site and to facilitate return visits. The information collected from cookies is tracked to enhance security and/or to improve the functionality of the web site by avoiding duplicate data entry, facilitating navigation, and increasing the relevance of content.

Cookies on the site may collect the following information: a unique identifier, user preferences and profile information used to personalize the content that is shown, and user information to access SoftLayer’s user forums. Some cookies used by SoftLayer.com may remain on the user’s computer after they leave the web site, but the majority is set to expire within thirty (“30”) – three hundred sixty five (“365”) days. There may be some cookies on certain tools that are of longer duration. Cookies may also be of benefit to you by creating a more streamlined login process, keeping track of shopping cart additions or preserving order information between sessions. In the future, as we enable further customization of the site, cookies will help in ensuring that information provided to you will be the most relevant to your needs.

While we do not offer an opt-out on the site for cookies, browsers provide you with information and control over cookies. You can set your web browser to alert you when a cookie is being used. You can also get information on the duration of the cookie and what server your data is being returned to. You then have the opportunity to accept or reject the cookie. Additionally, you can set your browser to refuse all cookies or accept only cookies returned to the originating servers. Users can generally disable the cookie feature on their browser without affecting their ability to use the site, except in some cases where cookies are used as an essential security feature or to provide functionality necessary for transaction completion. Additionally, certain jurisdictions may require opt-in consent from Customer before SoftLayer may collect, use or disclose certain Customer information or make certain communications to the Customer, and SoftLayer will comply with this requirement based on Customer’s IP location.

The Data We Collect and How We Use It

SoftLayer collects data from users for the following purposes:

- To engage in transactions for service. Name, address, email, purchase details, and credit card/payment information may be collected and stored as part of the transaction history. The majority of the data collected under this category is contact information. SoftLayer may need to share some of this data (address, payment) with credit card clearing houses, banking institutions, and other similarly situated Agents, who may require the information in order to complete the transaction (as used here, “Agents” are persons or companies who act on behalf of or under the direction of SoftLayer) . SoftLayer will not transfer information to any of its Agents unless it first either ascertains that the Agent subscribes to the Safe Harbor Principles or is subject to the EU Directive on Data Protection or another adequacy finding or enters into a written agreement with such Agent requiring that the Agent provide at least the same level of privacy protection as is required by the relevant Safe Harbor Principles.



- To provide future service and support. Information collected for this purpose is both contact data and information related to products and service/support requested. This information is also used to provide service, product update, and similar notices.
- To select content. Data may be collected to help create web site content and navigation that is most relevant and user friendly. This includes data collected as a result of site navigation, as well as data provided in forms.
- To respond to user inquiries and requests for information. This data includes registrations for online newsletters, opt-in mailing lists and specific requests for further information.
- To respond to law enforcement organizations, government officials, or third parties when compelled by subpoena, court order, or applicable law, or to report or prevent suspected fraudulent or illegal activity in the use of SoftLayer's services. SoftLayer will notify Customer of the information request or submission as, and if, allowed.
- To provide various SoftLayer communities, such as resellers, with relevant product alerts and updates. These updates are related to product releases, prices, terms, special offers and associated campaigns. This data is sent when the program member signs up for the relevant program or online account.
- To better tailor marketing to user needs. We may use information from user purchases and user-specified requirements to provide you with timely and pertinent notices of SoftLayer product releases and service developments that address your needs and specified requirements and/or which are similar to products and services previously purchased by the user from SoftLayer.
- To better respond to requests for service or quotes for product and equipment purchase. SoftLayer will pass contact information to the appropriate SoftLayer sales person, or reseller for follow-up related to SoftLayer products or services.
- From referral "tell a friend" function. If a user elects to use our referral service for informing a friend about our site, we ask them for the friend's name and email address. SoftLayer will automatically send the friend a one-time email inviting them to visit the site and send a copy of said e-mail to the user. The e-mail(s) sent shall clearly identify the sender of such email(s). SoftLayer uses this data for the sole purpose of sending this one-time email. Such e-mail sent to a friend at user's request will not be stored for additional processing.
- As a result of your participation in interactive discussions and public forums. There are parts of the web site that permit you to participate in interactive discussions. Some of these are moderated; all are subject to access for technical reasons. SoftLayer does not control the content that users post and some may serve as public discussion forums. As in any interactive forum open to many users, you should carefully consider whether you wish to submit data and should tailor any other content submitted accordingly.

Customer Portal, Customer Customization, Preferences and Opt-Out

New Customers are automatically registered for access at <https://manage.softlayer.com>. The Customer portal allows Customers the ability to create users, add/delete users, add/delete user privileges and opt in (or out) of services and mailing lists. The Customer portal provides the Customers with control over their preferences for electronic information delivery.

SoftLayer has also provided the Customer's master user the ability to manage the Customer's account or profile information. We maintain the data and allow the Customer's master user to update it at any time. To change this information, you must be a current Customer and login with a user ID and password and follow the prompts to "update my profile." We continue to expand the profile of services and information that you may access and update.

Please note that some email communications are not subject to general opt-out. These include communications related to downloads; communications about sales transactions; information about software updates, patches and fixes; disclosures to comply with legal requirements; and network upgrades or other related service maintenance.

If an individual's personal information is to be (a) disclosed to a third party who is not an Agent; or (b) used for a purpose that is incompatible with the purpose(s) for which it was originally collected or subsequently authorized by the individual, then the individual will be notified prior to such disclosure and may opt out of having the information disclosed by responding to the email and/or author of the notification, where such information shall be clearly set forth.

Security

SoftLayer is concerned with the security of the data we have collected and utilizes commercially reasonable measures to prevent unauthorized access to that information. These measures include policies, procedures, employee training, physical access and technical elements relating to data access controls. In addition, SoftLayer uses standard security protocols and mechanisms to facilitate the exchange and the transmission of sensitive data, such as credit card details. SoftLayer does not process personal information in a way that is incompatible with the purposes for which it has been collected or subsequently authorized by the individual.

In the event that individual personal data is acquired, or is reasonably believed to have been acquired, by an unauthorized person and applicable law requires notification, SoftLayer will notify the affected individual of the breach by email or fax or, if SoftLayer is unable to contact the individual by email or fax, then by regular mail. Notice will be given promptly, consistent with the legitimate needs of law enforcement and any measures necessary for SoftLayer or law enforcement to determine the scope of the breach and to ensure or restore the integrity of the data system. SoftLayer may delay notification if SoftLayer or a law enforcement agency determines that the notification will impede a criminal investigation, and in such case, notification will not be provided unless and until SoftLayer or the agency determines that notification will not compromise the investigation.

Enforcement

SoftLayer has established internal mechanisms to verify its ongoing adherence to its privacy policy, including the Safe Harbor Principles. SoftLayer also encourages individuals covered by this privacy policy to raise any concerns about our processing of personal information by contacting SoftLayer at the

Initials

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address below. SoftLayer will seek to resolve any concerns. SoftLayer has also agreed to participate in the dispute resolution program provided by the European Data Protection Authorities.

Policy Updates

If we are going to use your data in a manner different from that stated at the time of collection, we will notify you via email. In addition, if we make any material changes in our privacy practices that do not affect user data already stored in our database, we will notify you by email or post a prominent notice on the customer portal notifying users of the change. In some cases, when we post the notice, we will also email users who have opted to receive communications from us, notifying them of the changes in our privacy practices.

We may update this policy from time to time to describe how new site features affect our use of your data and to let you know of new control and preference features that we provide.

Contact Information and Inspection Rights

Questions, concerns or comments about this privacy policy should be addressed to:

Legal Department, SoftLayer Technologies, Inc., 4849 Alpha Road, Dallas, TX 75244

Phone: 214-442-0600

Email: legal@softlayer.com

If at any time you decide that you no longer desire that we hold, use, correct or supplement any of your data, receive information regarding any data processed in relation to you or you wish to change the manner in which your data may be used, please let us know by contacting us as set forth above.