

Protecting personal information and respecting data privacy rights

Advisory

On October 6, 2015, the European Court of Justice (“ECJ”) issued a judgment declaring as “invalid” the European Commission’s Decision 2000/520/EC of 26 July 2000 *“on the adequacy of the protection provided by the safe harbour privacy principles and related frequently asked questions issued by the US Department of Commerce.”*

In response to this decision, the Department of Commerce announced that it will continue to administer the Safe Harbor program, including processing submissions for self-certification to the Safe Harbor Framework. We intend to maintain our Safe Harbor Certification; please be advised, however, that due to the ECJ’s decision, you may no longer rely on our Safe Harbor certification as the basis to lawfully transfer your data to the United States. Upon your request, and if legally required, we will enter into European Commission (EC) Model Contract Clauses for processing your personal data.

For customers who are impacted by this recent decision and are seeking an alternate compliance basis for EU-U.S. personal data transfers, please contact us by submitting an email and selecting “Privacy Policy” inquiry using the following link: [Send Us Email](#).

Purpose

Protecting Personal Information and respecting an individual’s data privacy rights is important to Sungard Availability Services, LP and its affiliates (hereinafter collectively referred to as “Sungard AS” or “we”). Accordingly, Sungard AS adheres to the Safe Harbor Principles published by the U.S. Department of Commerce (the “Principles”) with respect to Personal Information that we may receive from the European Economic Area or Switzerland for a variety of business purposes described more fully below.

This Safe Harbor Privacy Policy (“Policy”) outlines our general policy and practices for implementing the Principles, including the types of Personal Information we collect, how we use it and the notice and choice provided to affected individuals regarding our use of and their ability to correct that information.

For more information about the Principles or to access Sungard AS’ certification statement, please visit the US Department of Commerce’s website at: <http://www.export.gov/safeharbor/>.

Protecting Personal Information and respecting an individual’s data privacy rights is important to Sungard Availability Services, LP and its affiliates

Definitions

“Personal Information” means any information that (i) is transferred from the EEA or Switzerland to the United States (ii) is recorded in any form (iii) relates to an individual and (iv) identifies or can be used to identify the individual.

“Sensitive Personal Information” means Personal Information that relates to race, ethnic origin, sexual orientation, political opinions, religious or philosophical beliefs, trade union membership, criminal offenses or that concerns an individual’s health.

“European Economic Area” or **“EEA”** means the 28 member states of the European Union and Norway, Iceland and Liechtenstein.

What Personal Information Sungard AS Collects

Sungard AS is a provider of Availability Services, such as Managed Services, Recovery Services, Consulting Services and Business Continuity Software (“Services”).

The Personal Information we collect includes the name, business and mobile telephone numbers and business email address of individual employees and/or agents of a prospective and existing customer, vendor or partner. This Personal Information is generally stored in the customer relationship and service management software used by Sungard AS for service provisioning and related support activities.

In providing Services or support related to the Services, Sungard AS may process Personal Information collected, owned and/or controlled by customers. We will process this Personal Information on behalf of customers consistent with the customer’s instructions and the applicable Safe Harbor Principles.

How Sungard AS Complies with the Principles

Notice

When Sungard AS collects Personal Information from individuals, we will give timely and appropriate notice to such individuals describing what Personal Information we are collecting, how we will use it, and the type of third parties with whom we may share it. Sungard AS will also provide information on how individuals whose Personal Information is collected can contact Sungard AS with any questions or complaints.

Choice

Sungard AS shall not use Personal Information for any purpose incompatible with the original purpose for which it was collected. When feasible and appropriate, Sungard AS will offer individuals an opportunity to choose (opt out) before their Personal Information will be disclosed to a third party or used for a purpose other than the one for which it was originally collected or subsequently authorized by the individual. Sungard AS shall provide individuals reasonable mechanisms to exercise their choice.

Sungard AS does not collect Sensitive Personal Information.

Onward Transfers

Sungard AS is a global organization and we may transfer the Personal Information we collect within our global operations.

Sungard AS may also transfer the Personal Information to third parties we engage to process Personal Information on our behalf, such as IT service delivery partners, IT outsourcers, vendors and channel partners.

Prior to disclosing Personal Information to a third party, Sungard AS shall obtain reasonable assurances from the third party that it will safeguard the Personal Information consistent with the applicable Principles and this Policy. When Sungard AS has knowledge that a third party is processing Personal Information covered by this Policy in a

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way that is contrary to the provisions set forth herein, we will take reasonable steps to prevent or stop such processing.

If you are located outside of the United States, you should note that your Personal Information that falls within the scope of this Policy may be transferred to the United States. Individuals located in countries outside of the United States, who submit Personal Information do hereby consent to the general use of such information as provided in this Policy and to its transfer to and/or storage and processing in the United States.

Please be advised that we may share Personal Information pursuant to applicable law or as necessary to defend the legal rights of Sungard AS, business partners or others when there are reasonable grounds to believe that such rights could be affected.

Data Security

Sungard AS maintains reasonable physical, technical and administrative procedures to safeguard and secure the Personal Information from loss, misuse, unauthorized access or disclosure, alteration or destruction.

Data Integrity

To the extent Sungard AS collects Personal Information as set forth herein, we will take reasonable measures to ensure the accuracy of the Personal Information transmitted to us. We will also take reasonable measures to ensure that the Personal Information is reliable, current and complete for the intended use for which it was collected.

Access

Sungard AS provides reasonable access to an individual's Personal Information to correct, amend or delete one's Personal Information.

Where possible, we will provide online access to an individual's Personal Information, enabling them to change or delete Personal Information through a self-editing feature. For privacy and security reasons, we may take reasonable steps to verify identity (requiring user name and password) before granting access to online self-editing features.

In cases where online access to self-edit Personal Information is not available, individuals may email Sungard AS and request a copy of their Personal Information. For privacy and security reasons, we may take reasonable steps to verify the identity and authorization of the requestor before responding and also require payment of a reasonable administrative fee to provide a copy of the requested information.

Individuals can also direct inquiries about Personal Information supplied to Sungard AS by contacting the Service Desk at 1-800-441-1181.

Enforcement

Sungard AS uses a self-assessment approach to ensure compliance with this Policy and periodically verifies that the Policy is accurate and in conformity with the Safe Harbor Principles. Sungard AS encourages interested persons to raise any concerns or complaints using the contact information provided below. We will investigate and attempt to resolve any concerns about this Policy and/or Sungard AS' use of Personal Information as described herein.

If a complaint or dispute cannot be resolved through our internal processes, Sungard AS agrees to cooperate with the Data Protection Authorities of the EEA countries or Switzerland in the investigation and resolution of complaints.

Where possible, we will provide online access to an individual's Personal Information, enabling them to change or delete Personal Information through a self-editing feature.



How to contact us

Inquiries or complaints about Sungard AS' use of Personal Information should be directed to:

United States and Canada
Sungard AS
Attn: Chief Compliance Officer
680 East Swedesford Road
Wayne, PA 19087
(484) 582-2551

EMEA/India
Sungard AS
Attn: Legal
Forum 1, Station Road
Theale, Berkshire Rg7 4RA
United Kingdom
+44 (0) 808 238 8080

Or, by contacting Sungard AS' Compliance office at AskASCompliance@sungardas.com.

We will treat your requests or complaints in a confidential manner. We will reach out to you within a reasonable time after receipt of your question or complaint to address your concerns.

**This Privacy Policy may be amended from time to time consistent with the requirements of the Safe Harbor. We will post any revised Policy on Sungard AS' website, www.sungardas.com.*

Other related documents

Online Privacy Statement: www.sungardas.com/Company/Privacy/Pages/Privacy.aspx

Services Data Privacy Policy: This Policy addresses the obligations of SunGard AS with respect to a Customer's Services Data.

About Sungard Availability Services Sungard Availability Services provides managed IT services, information availability consulting services, business continuity management software, and disaster recovery services.

To learn more, visit www.sungardas.com or call 1-888-270-3657

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