

Version: 1.0 of April 30th, 2017

Data Processing Terms for Support Service for On-Premises Delivery

1. Certain definitions

As used herein,

Client Information: means personal information collected directly from Customer's employees or agents via the Portal or Support HotLine.

Customer: means the legal entity that purchases Support Service from the Gemalto Group.

Gemalto: means Gemalto SA a company organized under the law of France located at 6 rue de la Verrerie Meudon 92190 (France), acting on its own behalf and on behalf of each company of the Gemalto Group.

Gemalto Group: means collectively or individually legal entity(ies) controlled by Gemalto N.V. a company organized under the laws of Netherlands. In this context control means direct or indirect (through any number of successive tiers) ownership of: (a) more than fifty percent (50%) of the outstanding shares having the right to vote for the election of directors or other managing authority of the subject entity; or (b) in the case of an entity which does not have outstanding shares (e.g., a partnership, joint venture or unincorporated association), more than fifty percent (50%) of the ownership interests having the right to make decisions for the subject entity.

Log Files: means files that record trails sufficient to permit reconstruction, review, and examination of sequence of environments and activities surrounding or leading to operation, procedure, or event in a transaction from inception to final results and that may contain data such as IP address, MSISDN, EID, IMSI, user name.

Personal Data: means any information relating to an identified or identifiable individual where the individual is associated with Customer.

Portal: means the web portal made available by Gemalto to make a request for Support Service. The web portal requires registration to access it and the completion of a form to make a request for support, each case triggering the disclosure of certain Personal Data such as full name and professional e-mail address.

Processor: means legal entities member of the Gemalto Group.

Solution: means the information system installed by Gemalto on a system controlled by Customer.

Support Hotline: means a telephone number available to make a request for Support Service and that requires the disclosure of Personal Data for the completion of the request such as, but not limited to, full name and professional e-mail address.

Support Service: means the provision by Gemalto and companies of the Gemalto Group of technical support contractually agreed upon with Customer.

2. Purpose of Processing of Data

2.1 The content of the Log Files has been designed by Gemalto at the time of development of the Solution to record the data necessary to provide the Support Service.

2.2 Customer is authorizing Gemalto to access to the Solution to use the Log Files In order to provide the Support Service. Access to the Log Files is assured by secured connection agreed upon with Customer.

2.3 Gemalto determines the purpose and means of the processing of the Log Files and Client Information, hence Gemalto is the entity controlling the Log Files and Client Information.

3. Quantity of Data

3.1 Gemalto restricts the processing of Log Files and Client Information to the data that is reasonably adequate and relevant for the purpose of the Support Service.

3.2 Gemalto retains the Log Files and Client Information for the duration of the Support Service, to the extent reasonably necessary to comply with an applicable legal requirement or advisable in light of an applicable statute of limitations.

3.3 Promptly after the applicable retention period has ended, the Log Files and Client Information are securely deleted or destroyed.

4. Information and Consent of Individual

4.1 With respect to the Client Information:

- a) a privacy notice is made available to individuals via the Portal, and
- b) collected via the Support Hot Line, it belongs to Customer to inform its employees or agents of these Data Processing Terms for Support Service.

4.2 Employees or agents of Customer consents to the processing of the Client Information at the time of entering into the Portal and when answering to the questions raised by the Support Hot Line.

5. Rights of individuals

5.1 Customer and employees and agents of Customer (hereafter collectively or individually referred to as the “Interested Party”) have the right to request an overview of the data processed for the purpose of the Support Service. If the data is incorrect or incomplete, the Interested Party has the right to have the data rectified, deleted or blocked.

5.2 To undertake the rights set forth in Section 5.1 above the Interested Party has to make a request for Support Service via the Portal. The request shall contain the following information:

- specify the type of data in question;
- specify, to the extent reasonably possible, the data system in which the data likely is stored
- specify the circumstances in which Gemalto obtained the data;
- for employees or agents of Customer, confirm the employment or agency relationship with Customer.

5.3 Within four (4) weeks of Gemalto receiving the request or the objection, Gemalto shall inform the Interested Party in writing of Gemalto position with regard to the request or the objection and any action Gemalto has taken or will take in response.

6. Security

6.1 Gemalto takes appropriate commercially reasonable technical, physical and organizational measures to protect the Log Files and Client Information from misuse or accidental, unlawful or unauthorized destruction, loss, alteration, disclosure, acquisition or access.

6.2 Staff is provided access to Log Files and Client Information only to the extent necessary to perform the Support Service and to perform their job.

6.3 Staff in contact with Log Files and Client Information shall meet their confidentiality obligations as specified by contract, and Gemalto’s policies.

7. Cross-Border Transfer

7.1 Gemalto permits remote access to the Log Files and Client Information to Processors located in different countries of the world.

7.2 Processors are only allowed to process Log Files and Client Information if it has entered into a written contract with Gemalto that includes the following provisions:

- a) the Processor can only process the Log Files and Client Information only in accordance with Gemalto's instructions and for the purpose of the Support Service;
- b) the Processor shall keep the Log Files and Client Information confidential;
- c) the Processor shall take appropriate technical, physical and organizational security measures to protect the Log Files and Client Information; and
- d) the Processor shall not permit further processing of the Log Files and Client Information without the prior written consent of Gemalto.

7.3 The transfer of Log Files and Client Information to a Processor located in a country that is not considered to provide an 'adequate level of protection for Personal Data' is only permitted by Gemalto only if the Processor has entered with Gemalto into a contract that conforms to any model contract required under applicable Personal Data protection law or regulation (if any).

8. Policies and Procedures

8.1 Gemalto develops and implements policies and procedures to comply with these Data Processing Terms for Support Service.

8.2 Gemalto maintains readily available information regarding the structure and functioning of the Support Service.

9. Applicable Privacy Law

9.1 The processing of Log Files and Client Information remains subject to the applicable local law. Individuals keep any rights and remedies they may have under applicable local law.

9.2 Where these Data Processing Terms for Support Service provide more protection than applicable local law or provide additional safeguards, rights or remedies for Individuals, these Data Processing Terms for Support Service apply.

9.3 Any additional safeguards, rights or remedies granted to individuals under these Data Processing Terms for Support Service are granted by and enforceable in France against Gemalto only. Gemalto ensure that adequate steps are taken to address the implementation of these Data Processing Terms for Support Service by a Group Company.