

Tervela Privacy Statement

Cloud FastPath

Tervela, Inc. (“Tervela” or the “Company”) is committed to help protect the privacy of individuals (“Visitors”) who visit Tervela’s web sites (“Sites”) and individuals and companies (“Customers”) that access and interact on our website or register to use or purchase our software or services (collectively “Services”). This privacy statement describes Tervela’s commitment to protect your information and, specifically, explains Tervela’s privacy practices in relation to the use of Sites and the data collection and use practices for the information and/or reports that will be sent to, or collected by, Tervela as a result of your use of the Services.

Collection and Use of Information for Visitors to Tervela’s Services

Tervela may collect certain information from visitors to Tervela’s Services as described below. Tervela uses information it collects for various lawful purposes, which may include authentication, fulfillment of your requests for products and services, improvement of services, and to communicate with you regarding Tervela services.

- **Registration Information:** Tervela collects personal information you knowingly choose to submit to us at any time, such as your name, email address, telephone numbers, to authenticate users, send appropriate notifications to users, to manage each user’s account and to facilitate our compliance with applicable regulatory requirements.
- **Location and Non-Personally Identifiable Information:** Tervela also collects non-personally identifiable information, such as IP address and aggregate user data. User IP addresses are recorded for security and monitoring purposes. You have the right to decide whether to accept or reject cookies. Tervela retains your cookies proportionate

to its function. Our Privacy Statement does not cover the use of cookies by any tracking utility company.

- **Cookies:** A “cookie” is a small data file that can be placed on your hard drive when you visit certain Internet sites. Tervela uses cookies to collect, store, and sometimes track information for statistical purposes, to operate and improve the products and services we provide, to manage our network, to authenticate you when you use the Site and to remember your preferences and registration information.
- **Log Files/Browser Information:** Every time you visit an Internet location page on the Internet, your Web browser sends information such as IP address, browser type, files viewed, to the Web site you are visiting. Tervela servers automatically collect and store this information. We may associate this information with your personal information to resolve technical issues and promote security.

Collection and Use of Information for Customers of Tervela

There are various lawful grounds on which we use your personal data including the following legitimate interests:

- (a) to understand how our customers use our Services;
- (b) to keep our records up to date;
- (c) to develop our Services and grow our business; and
- (d) to inform our marketing strategy including to define customers for our Services.

When you use the Services, basic information about how you use the Services, including compliance with use limitations, is collected and sent to Tervela. In addition to ensuring compliance with license restrictions, this information will help us improve the features our customers use most often and to create solutions to common problems. Information that Tervela may gather includes but is not limited to the following: API calls, web traffic, page views, source and target IP Addresses, amount of data moved, bandwidth usage, storage usage. Tervela may gather additional information, and you can always check this privacy

statement, as may be updated from time to time, in order to determine what information is currently gathered by Tervela. If you do not wish Tervela to gather the information through the functionality of the Services, you must not install and use the Services.

Your use of the Services will result in generation of reports for Tervela regarding certain aspects of Services usage. Reports generally include information about:

- Configuration, such as how many processors are in your computer, what kinds of virtual machines you use, and which operating systems you install in them.
- Amount of data and names and numbers of files, tables, directories, buckets transported, time elapsed, bandwidth consumed for data movement jobs.
- Compliance with applicable use limitations.
- Performance and reliability, such as how quickly a program responds when you click a button, how many problems you experience with a program or a device, and how quickly information is sent or received over a network connection.
- Program use, such as the features that you use the most often and how often you use Knowledgebase and other resources.

In addition, standard computer information contained in the reports typically includes certain information about your computer software and hardware, such as your IP address, operating system version, web browser version, your hardware ID (which indicates the device manufacturer, device name, and version), and your regional and language settings.

This information may be sent to Tervela when you are connected to the Internet and will identify you based on the information you submit when you are using the Service. Tervela may use the information to improve its software and identify trends and usage patterns.

Restrictions on Disclosure of Your Information to Third Parties

Tervela will not disclose your personal information or information regarding your use of our Sites or Services to any third party without your prior consent except to affiliates and

service providers solely for the purpose of providing the Services to you or in connection with the transfer of our business or assets to which the information relates (collectively “Third Parties”). We will require all Third Parties to abide by confidentiality obligations in order to protect your information. In addition, we require that Third Parties comply with Privacy Shield (as described below) or provide robust protection of your information no less protective than as set out in this Privacy Statement. Moreover, we may disclose your information as lawfully requested by governmental, judicial or public authorities, including to meet national security or law enforcement requirements, to comply with applicable laws and regulations, and pursuant to legal and equitable actions concerning the Services, this Privacy Statement or the Terms of Use. Tervela is responsible for appropriate onward transfers of your personal information to Third Parties.

Information that is collected by or sent to Tervela will be stored and processed in the United States. By using the Services, you consent to the transfer, storage, use, and disclosure of information gathered, as described in this Privacy Statement, in the United States, subject to the requirement that transfer, storage, use and disclosure of the information complies with Privacy Shield or protections at least as robust as those contained in this Privacy Statement.

How Long Will We Keep Your Personal Data For?

We will only retain your personal data for as long as necessary to fulfill the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances, you can ask us to delete your data: see the “**Your Choices**” section below for further information.

In some circumstances we may anonymize your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

Information Security

Tervela is committed to using industry best practices designed to protect the security of the information we collect from you. We use a variety of industry-standard security technologies and procedures to help protect the Services and your information from unauthorized access, use, or disclosure.

We restrict access to your information in our possession to those who need access to perform their job functions, such as our customer service personnel and technical staff, but only if they are required to comply with this Privacy Statement.

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Children Under Thirteen

Our Services are not directed at children under 13 years of age, and we do not knowingly collect or receive personal information from children under 13 years of age. If we learn that we have received personal information from a child who is under 13, we will delete the data as permitted by law. If you believe that we have received personal information from a child under the age of 13, you may contact us at [**cfp-info@tervela.com**](mailto:cfp-info@tervela.com).

Your Choices

Your Right To Opt-Out, Access, Change, or Delete Your Personal Information

You have the opportunity to opt-out of any disclosures by Tervela of your personal information in accordance with this Privacy Statement. Our opt-out procedure is simple and straightforward. In order to opt-out, please contact us by email or mail as per the **For More Information** section below and inform us that you are electing to opt-out of any and all disclosures of your personal information by Tervela. We will promptly honor and confirm your request by email or mail. You also have the right to know what personal information about you is included in our databases and to ensure that such information is accurate and relevant for the purposes for which Tervela collected it. You may access, edit or delete your personal information by logging into your account profile or by contacting Tervela by mail or email as per the **For More Information** section below. In making modifications to your personal information in Tervela's possession, you must provide only truthful, complete, and accurate information. Tervela will endeavor to respond in a timely manner to all reasonable written or email requests to view, modify, or delete your personal information, but in no event will our response take longer than thirty (30) days. We reserve the right to verify the identity of anyone requesting access to personal information pursuant to this Privacy Statement. Further, please note that (a) we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of our response, and (b) in some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights set forth above.

In general, Tervela will endeavor to permanently delete all of your data ninety days after the expiration of your subscription to the Services, unless we are requested or receive written permission to delete your data sooner.

Tervela will track each of the following and will provide notice to you when either of the following circumstances arises: (a) legally binding request for disclosure of your personal information by a law enforcement authority, unless notice to you is prohibited by law or regulation; or (b) requests received from you for your own information.

International Transfers

Tervela is an entity which is based in the United States of America, and we may utilize service providers that are based outside of the European Economic Area (EEA). This means that your personal data may be transferred outside of the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield or other transfer mechanism that requires them to provide similar protection to personal data shared between Europe and the US.

Please contact us at **cfp-info@tervela.com** if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

EU-US Privacy Shield Framework

Tervela complies with the EU-US Privacy Shield 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 to the United States (“Privacy Shield”). Tervela has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this Privacy Statement and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program and to view our certification please visit: <https://www.privacyshield.gov>.

Dispute Resolution and Enforcement Under Privacy Shield

In compliance with the Privacy Shield Principles, Tervela is committed to resolving questions and complaints about our collection and use of your personal information. If you have an inquiry or complaint regarding our privacy practices, the collection and use of your personal information, or our Privacy Shield certification, we encourage you to contact us as described in the **For More Information** section below.

Further, as a company that has self-certified under Privacy Shield, Tervela is subject to the investigatory and enforcement powers of the US Federal Trade Commission of the US Department of Commerce (FTC). You may refer a complaint regarding our collection or use of your personal information to the FTC. We are committed to working with the FTC and other data protection authorities to resolve any concerns you may have.

Tervela has designated JAMS International as its Alternative Dispute Resolution (ADR) Provider for disputes under the U.S.-Privacy Shield Framework concerning Tervela's collection, use, and retention of personal data. Please contact or visit: <http://www.jamsadr.com/eu-us-privacy-shield> for more information or to file a complaint. These services are provided at no cost to you.

In certain circumstances, the Privacy Shield Framework provides you with the right to invoke binding arbitration through the US Department of Commerce to resolve complaints not resolved by the means described above. Full details are contained in Annex I to the Privacy Shield Principles [found here](#).

Links

We may provide links to other third-party web sites. Tervela is not responsible for the privacy policies and/or practices of any other third party or any service or product they

may provide. Tervela encourages you to review the privacy statements of any such other websites to understand their information practices.

Email

Users who no longer wish to receive Tervela email updates or notifications please contact Tervela at **cfp-info@tervela.com**.

Changes To This Statement

Tervela may occasionally update this Privacy Statement. When we do, we will also revise the date in the footer of the privacy statement to indicate when last updated. We will make our employees aware of changes to this Privacy Statement either by posting to our intranet, through email, or other means. We will notify you of material changes in the Privacy Statement through our publicly posted website. We encourage you to periodically review this Privacy Statement to stay informed about how we are helping to protect the information we collect, and we will always allow you to choose whether your personal information should be deleted, removed, altered, or used in a different manner.

For More Information

Tervela welcomes your comments regarding this privacy statement. If you believe that Tervela has not adhered to this statement, please contact us by e-mail or postal mail, and we will use commercially reasonable efforts to promptly determine and remedy the problem.

Tervela, Inc.

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Boston, MA 02109

Send email to: cfp-info@tervela.com