

## **Privacy Shield Policy**

SWN Communications Inc. ("SWN") has adopted this Privacy Shield Policy ("Policy") to establish and maintain an adequate level of Personal Data privacy protection. This Policy applies to the processing of Personal Data that SWN obtains from Individual Customers located in the European Union.

SWN complies with the EU-US Privacy Shield Framework Principles as set forth by the United States Department of Commerce regarding the collection, use, and retention of personal information it obtains from Individual Customers in the European Union member countries. SWN has certified to the Department of Commerce that it adheres to the EU-US Privacy Shield Framework Principles. If there is any conflict between the provisions of this Policy and the EU-US Privacy Shield Framework Principles, then Privacy Shield Framework Principles shall govern. To learn more about the Privacy Shield program, and to view our certification page, please visit <https://www.privacyshield.gov>.

All SWN employees who handle Personal Data from Europe are required to comply with this Policy and the Privacy Shield Framework Principles.

Capitalized terms are defined in Section XIV of this Policy.

### **I. SCOPE**

This Policy applies to SWN's processing of Individual Customers' Personal Data in the United States that SWN receives from Individual Customers who reside in the European Union.

This Policy does not cover data from which individual persons cannot be identified or situations in which pseudonyms are used. (The use of pseudonyms involves the replacement of names or other identifiers with substitutes so that identification of individual persons is not possible.)

### **II. RESPONSIBILITIES AND MANAGEMENT**

SWN has designated its Legal Department to oversee this Policy, including its compliance with the EU-US Privacy Shield program. SWN's Legal Department shall review and approve any material changes to this program as necessary. Any questions, concerns, or comments regarding this Policy also may be directed to [privacy@sendwordnow.com](mailto:privacy@sendwordnow.com)

SWN will maintain, monitor, test, and upgrade information security policies, practices, and systems to assist in protecting the Personal Data that it collects. SWN personnel will receive training, as applicable, to effectively implement this Policy. Please refer to Section VII for a discussion of the steps that SWN has undertaken to protect Personal Data.

### **III. RENEWAL / VERIFICATION**

SWN will renew its EU-US Privacy Shield certification annually, unless it subsequently determines that it no longer needs such certification or if it employs a different adequacy mechanism.

Prior to the re-certification, SWN will conduct an in-house verification to ensure that its attestations and assertions with regard to its treatment of Individual Customers' Personal Data are accurate and that SWN has appropriately implemented these practices. Specifically, as part of the verification process, SWN will undertake the following:

- Review this Policy and its publicly posted website privacy policy to ensure that these policies accurately describe the practices regarding the collection of Individual Customer Personal Data

- Ensure that the publicly posted privacy policy informs Individual Customers of SWN's participation in the EU-US Privacy Shield program and where to obtain a copy of additional information (e.g., a copy of this Policy)
- Ensure that this Policy continues to comply with the EU-US Privacy Shield Framework Principles
- Confirm that Individual Customers are made aware of the process for addressing complaints and any independent dispute resolution process (SWN may do so through its publicly posted website, Individual Customer contracts, or both)
- Review its processes and procedures for training Employees about SWN's participation in the Privacy Shield program and the appropriate handling of Individual Customers' Personal Data

SWN will prepare an internal verification statement on an annual basis.

#### **IV. COLLECTION AND USE OF PERSONAL DATA**

SWN's service is a passive conduit for Individual Customers' data, and as such, we rely on our customers to pass data to us, or provide a mechanism for the customer's employees to pass data to us, that has been collected in compliance with all applicable privacy and other laws, and the terms of conditions of any applicable privacy policy. Our customers are also the party in charge of composing and sending messages within their SWN account. SWN stores all Personal Data at rest, including passwords and backups, in encrypted form, using native Microsoft SQL Server Transparent Data Encryption (TDE). Data is never stored on offline media (CD, DVD, similar physical media, or on paper). Customer data backups are done site-to-site over secure VPN connection every 5 minutes. All traffic to and from the SWN website is secured using 128-bit TLS encryption. SWN has an industry standard privacy policy in place, which it reviews at least annually to ensure SWN is in compliance with all applicable laws and current industry practices. One of the controls tested as part of SWN's SSAE 16 SOC 2 audit is that any access to client data is role-based and need-based. The account containing Individual Customers' Personal Data can only be accessed by authorized personnel using their assigned unique username/password combination. This protects Individuals' data from being accessed from the outside or by any other SWN customer.

#### **V. DISCLOSURES / ONWARD TRANSFERS OF PERSONAL DATA**

As a part of its normal business operations, SWN may transfer an Individual Customers' Personal Data to an agent or third party acting on behalf of SWN. SWN agrees to provide adequate protections for the Personal Data that are no less protective than those set out in this Policy. If SWN becomes aware that the agent or third party is using or sharing Personal Information in a way that is contrary to the Principles, SWN will take reasonable steps to prevent or stop such processing.

#### **VI. SENSITIVE DATA**

SWN does not seek to collect Sensitive Data from Individual Customers.

#### **VII. DATA INTEGRITY AND SECURITY**

SWN collects, retains and uses Personal Data in accordance with the Principles. As part of providing its notification services, SWN retains Personal Data about the individuals who are to be contacted in the case of an emergency or other event ("Contact Lists"). The Contact Lists are created, populated and transferred to SWN by its customers. SWN acts as an intermediate data processor for these customers. It is the sole responsibility of SWN's customers to obtain permission from their individual employees and other third parties prior to including Personal Data about such individuals in the Contact Lists. SWN may

collect Personal Data about its employees and utilize that Personal Data for standard business purposes. SWN may also collect Personal Data on its websites, in connection with marketing, sales and similar activities, or in order for individuals to access and interact with certain SWN services. SWN may use this Personal Data to operate and improve its websites and services, to perform research and analysis and to communicate with an individual.

## **VIII. NOTIFICATION**

SWN notifies Individual Customers about its adherence to the EU-US Privacy Shield Framework Principles through its publicly posted website privacy policy, available at: [www.sendwordnow.com/privacy-shield/](http://www.sendwordnow.com/privacy-shield/). Individual Customers are deemed to have read and accepted this Policy when they provide Personal Data to SWN.

## **IX. ACCESSING PERSONAL DATA**

SWN personnel may access and use Personal Data only if they are authorized to do so and only for the purpose for which they are authorized.

## **X. RIGHT TO ACCESS, CHANGE OR DELETE PERSONAL DATA**

Right to Access. Individual Customers have the right to know what Personal Data about them is included in SWN's databases and to ensure that such Personal Data is accurate and relevant for the purposes for which SWN collected it. If you are accessing SWN Services as an employee, resident or other designee of one of our customers, then you will need to make any changes to your contact information through that customer, which, where applicable, may be your employer. SWN has no direct relationship with the individuals whose personal data it processes on behalf of its customers. An individual who seeks access, or who seeks to correct, amend, or delete inaccurate data should direct his/her query to the customer (the data controller) that provided the data to SWN. If the customer requests SWN to remove the data, then we will respond to their request within a reasonable period of time.

## **XI. CHANGES TO THIS POLICY**

This Policy may be amended from time to time, consistent with the EU-US Privacy Shield Framework Principles and applicable data protection and privacy laws and principles. We will make employees aware of changes to this policy either by posting to our intranet, through email, or other means. We will notify customers if we make changes that materially affect the way we handle Personal Data previously collected, and we will allow them to choose whether Personal Data provided by them may be used in any materially different manner.

## **XII. QUESTIONS OR COMPLAINTS**

Individual Customers may contact SWN with questions or complaints concerning this Policy at the following address: [privacy@sendwordnow.com](mailto:privacy@sendwordnow.com)

## **XIII. ENFORCEMENT AND DISPUTE RESOLUTION**

In compliance with EU-US Privacy Shield Framework Principles, SWN commits to resolve complaints about our collection or use of Individual Customers' Personal Data. Individuals in the European Union with inquiries or complaints regarding our Privacy Shield policy should first contact SWN at: [privacy@sendwordnow.com](mailto:privacy@sendwordnow.com)

SWN has further committed to refer unresolved Privacy Shield complaints for resolution. If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third party dispute resolution provider (free of charge) at:

<https://feedback-form.truste.com/watchdog/request>

SWN commits to cooperate with EU data protection authorities (DPAs) and to comply with the advice given by such authorities with regard to Personal Data transferred from the EU in the context of the employment relationship.

#### **XIV. DEFINED TERMS**

Capitalized terms in this Privacy Policy have the following meanings:

"Individual Customer" means an individual customer or client of SWN from the EU. The term also shall include any individual agent or representative of an individual customer of SWN and all employees of a customer of SWN where SWN has obtained his or her Personal Data from such individual customer as part of its business relationship with SWN.

"Data Subject" means an identified or identifiable natural living person. An identifiable person is one who can be identified, directly or indirectly, by reference to a name, or to one or more factors unique to his or her personal physical, psychological, mental, economic, cultural or social characteristics.

"Employee" means an employee (whether temporary, permanent, part-time, or contract), former employee, independent contractor, or job applicant of SWN or any of its affiliates or subsidiaries, who is also a resident of a country within Europe.

"Europe" or "European" refers to a country in the European Union ("EU").

"Personal Data" as defined under the European Union Directive 95/46/EC means data that personally identifies or may be used to personally identify a person, including an individual's name in combination with country of birth, marital status, emergency contact, salary information, terms of employment, job qualifications (such as educational degrees earned), address, phone number, e-mail address, user ID, password, and identification numbers. Personal Data does not include data that is de-identified, anonymous, or publicly available.

"Sensitive Data" means Personal Data that discloses a Data Subject's medical or health condition, race or ethnicity, political, religious or philosophical affiliations or opinions, sexual orientation, or trade union membership.

"Third Party" means any individual or entity that is neither SWN nor an SWN employee, agent, contractor, or representative.

#### **XV. U.S.-Swiss Harbor**

SWN maintains an affirmative commitment to the U.S.-Swiss Safe Harbor Framework and its principles, which will not be affected by our participation in the Privacy Shield.