

## MASERGY PRIVACY POLICY

Effective Date: June 6, 2018

Masergy Communications, Inc. and its affiliates (collectively, “Masergy”) respect Your privacy. This Privacy Policy describes the types of personal data we collect from visitors to our website and our customers (“You”), and how You can contact us about our privacy practices. For the purpose of this Privacy Policy, Personal data means any information relating to an identified or identifiable natural person.

Multiple Masergy entities may be responsible for the collection and use of Your personal data for the purposes described in this Privacy Policy. Please see the “How to Contact Us” section below for further information on these entities.

For further information on how we process Your personal data, please use the links below to jump to the listed section:

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### **Personal Data We Collect**

Personal data that You provide directly to us on [www.Masergy.com](http://www.Masergy.com) (“Site”) will be apparent from the context in which You provide it, in particular:

- If You fill out a form on our Site, You will provide Your first name, last name, company name, email address, street or mailing address, phone number, whether You are a current or prospective customer, product or service information and the type for Your question or comment;
- If You are a customer, You will be given a username and password with which You can log in on our “Intelligent Service Control” or “Cloud Communications” web portal. Once you log in, additional information about you will be included in the portal, such as your name, work email address, phone number, your time zone and address.
- If You request a free consultation on our Site, You will provide Your first name, last name, email address, company name, phone number, country, the solutions You would like to learn more about, and Your question or comment;
- If You are interested in receiving job alerts from us, You can request us to send You job alerts by providing Your first name, last name, email address and type of job You are interested in.

Each form on our Site varies in the information required and collected. In most cases, an asterisk (\*) indicates the required information on a form. You may choose to provide additional information within fields that are not required.

If You are a customer, You will typically provide Your name, address, email address, company name, title, department and telephone number to be able to communicate with us about the products and services we offer to Your organization.

In addition, You may choose to submit information to us via several other methods, including: (i) in response to marketing or other communications, (ii) through social media, (iii) by signing up for a product or service, (iv) through participation in an offer,

program or promotion, (v) in connection with an actual or potential business relationship with us, or (vi) by giving us Your business card at a trade show or other event.

If You contact us via email, You will generally provide Your email address, name, Your request and any signature information You choose to include in the body of Your email. If You contact us by phone, we will collect the phone number You used to call Masergy as well as any voicemail You wish to leave.

### **How We Use the Personal Data We Collect**

We use personal data that You provide to us to respond to Your enquiry, ask a question, contact You about Your request or other reasons related to offering and improving our products and services. We use the personal data for these purposes because we have a legitimate business interest in providing products and services to our customers and other interested individuals that is not overridden by Your interests, rights and freedoms to protect personal data about You.

Any time You submit personal data for a specific purpose using the Site, Your personal data is used for that purpose only, unless You consent otherwise or as required by law.

In addition, we use the personal data You provide on our Site for the following legitimate business purposes:

- Operate, evaluate, and improve our products and business;
- Develop new products, services and solutions;
- Perform market research;
- Advertise and market our products and solutions;
- Determine the effectiveness of our advertising and marketing;
- Analyze our products and services and our Site; and
- Improve our security and administer our Site.

Where required by applicable law, we will obtain Your consent to send You marketing communications about our products and services, offers and promotions, and invite You to events and surveys. When we collect Your business contact details through our participation at trade shows or other events, we use the information to follow-up with You regarding an event, send You information that You have requested on our products and services and, with Your permission where required by applicable law, include You on our marketing information campaigns.

Where we have a contract with You, we process Your personal data as necessary to perform our contractual relationship with You, provide our products and professional services and manage our customer relationship.

We may also use the personal data we collect to protect Masergy against and prevent fraud, claims, and other liabilities and to comply with or enforce applicable legal requirements, industry standards, and our policies and terms. We use personal data for these purposes when it is necessary to protect, exercise or defend our legal rights, or when we are required to do so by a law that applies to us.

If we plan to use the personal data that You provide to use for any other purpose, we will provide an additional privacy notice to You to describe the purposes for which we will use the personal data and our legal basis for doing so.

### **Information That We Collect Automatically**

#### *(a) Information collected on our Site*

When You visit the Site, Masergy may log the name of the web page from which You entered the Site, which pages You visit on the Site, services and solutions You viewed, how much time You spend on each page and how You interact with content offered through our Site. We may use this information to continually monitor and improve the Site and for internal analyses. We may use IP addresses to analyze trends, administer the Site, track users' movement, and gather information for aggregate use. In

doing so, we may collect technical information such as browser type and version, time zone setting, browser plug-in types and versions, operating system and platform, clickstream to, through and from our Site (including date and time), page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), methods used to browse away from the page.

*(b) Cookies*

Our Site uses cookies to function effectively. The term “cookie” refers to files that are transferred from a web site to Your computer's hard drive. We use cookies for legitimate business purposes such as customizing and enhancing our visitors’ visits to the Site, facilitating the use of the Site, understanding the manner in which our visitors browse the Site and diagnose technical problems or security risks on our Site. We do not use cookies to retrieve information from Your computer that was not originally sent in the cookie. We may use cookies for the customized presentation of our web pages.

We use first party and third-party analytics cookies. We conduct analytics to help compile reports, analyze how users use the Site and improve our Site. These analytics cookies collect information about how visitors use a website, for instance which pages visitors go to most often, and if they get error messages from web pages. These cookies don’t collect information that identifies You but generate statistical data about how visitors use our Site. Analytics cookies collect information such as Your type of device, operating system, referring URLs, country information, date and time of page visits, pages visited, and Your Internet Service Provider. We use Google Analytics. To opt out of Google Analytics cookies and data collection, you can download and install an add-on for your browser, which is available [here](#).

*(c) Interest-Based Advertising*

When You visit our Site, both we and certain third parties collect information about Your online activities to provide You with advertising about products and services tailored to Your individual interests. You may see certain ads on other websites because we participate in advertising networks administered by third-parties. These networks track Your online activities over time and across different sites by collecting information through automated means, including through the use of third party advertising cookies and pixel tags. The networks use this information to show You advertisements that are tailored to Your individual interests. The information our ad network vendors collect includes information about Your visit to our website, such as the pages You have viewed. This process also helps us track the effectiveness of our marketing efforts. To learn how to opt out of ad network interest-based advertising, please visit [www.aboutads.info/choices](http://www.aboutads.info/choices) and <http://www.networkadvertising.org/choices/>.

*(d) How to accept or refuse cookies*

Your browser may tell You how to be notified when You receive certain types of cookies or how to restrict or disable certain types of cookies. You can find out how to accept or refuse cookies for Your particular browser by clicking “help” on Your browser’s menu or by visiting [www.allaboutcookies.org](http://www.allaboutcookies.org). For mobile devices, You can manage how Your device and browser share certain device data by adjusting the privacy and security settings on Your mobile device. Our Site is not designed to respond to “do not track” signals received from browsers. If You decide to refuse cookies, You may not be able to successfully navigate some portions of the Site.

**How We Share Personal Data**

We do not sell or otherwise disclose personal data that You provide to us or that we collect on our Site, except as described in this Privacy Policy.

We may share personal data that we collect about You with other Masergy entities for legitimate business purposes, such as administering our databases and sending You information that You have requested about our affiliates’ products, solutions or services.

We share personal data with service providers that perform services on our behalf such as IT service providers, technology partners, marketing providers, billing and payment processors, analytics providers, and hosting providers. Our primary global

service providers are located in the U.S. We only share aggregated information with Masergy customers, partners, and advertisers. Our service providers have entered into legally binding agreements requiring them to use personal data only as necessary to perform services on our behalf and to implement appropriate data security and confidentiality obligations, in accordance with applicable law.

We may disclose personal data if (i) required to do so by law, court order or subpoena, or as requested by other government, law enforcement or investigative authority, (ii) in the good faith belief of Masergy that disclosure is otherwise necessary or advisable including, without limitation, to protect the rights or properties of the Site, (iii) we have reason to believe that disclosing the personal data is necessary to identify, contact or bring legal action against someone who may be causing interference with our rights or properties, or has breached an agreement, or (iv) anyone else could be harmed by such activities or interference. In addition, we may disclose personal data in the event we sell or transfer all or a portion of our business or assets, including in the event of a reorganization, dissolution, or liquidation.

### **Data Transfers**

Our operations centres are located in the United Kingdom, the United States and Philippines. We may transfer the personal data that we collect about You to recipients in countries other than the country in which the personal data originally was collected. Those countries may not have the same data protection laws as the country in which You initially provided the personal data. When we transfer Your personal data to recipients in other countries, we will protect that personal data as described in this Privacy Policy.

We will comply with applicable legal requirements by providing adequate protection for the transfer of personal data to data recipients in countries outside of the European Economic Area (“EEA”) and Switzerland. To the extent that these data recipients are in countries that have not been recognized by the European Commission as providing an adequate level of data protection, we ensure that appropriate safeguards aimed at ensuring such a level of data protection are in place, including by entering into the European Commission’s EU Standard Contractual Clauses with the data recipients, or ensuring that the data recipient has certified to the EU-U.S. or Swiss-U.S. Privacy Shield Framework, or has implemented Binding Corporate Rules. To obtain a copy of the safeguards we have put in place, please contact us as indicated below.

### **Retention of Personal Data**

Masergy will keep Your personal data for the time period necessary to achieve the purposes outlined in this Privacy Policy, taking into account applicable statute of limitation periods and records retention requirements under applicable law. Subject to applicable law, we will retain personal data as required by the company to meet our business and compliance obligations, for example, to comply with our tax and accounting obligations.

### **Your Rights and Choices**

You can tell us at any time not to send You marketing communications by e-mail by clicking on the unsubscribe link within the marketing e-mails You receive from us, or by sending an “opt out” request to the address indicated on such email. You may request not to be contacted by Masergy in connection with any new services, updates, news, or systems outages by contacting us as described below.

Subject to applicable law, You have the right to request access to and rectification of the personal information we maintain about You, to request the restriction of the processing of Your personal information, or to object to that processing on grounds relating to Your particular situation.

In addition, You may have the right to request erasure of Your personal information in certain circumstances provided by applicable law. Subject to applicable law, where technically feasible, upon written request and verifiable identification, we will provide You with a copy of Your personal information in a structured, commonly used, machine-readable format. To exercise these rights, please contact us as indicated below. You may lodge a complaint with a data protection authority if You are not satisfied with our response.

## **How We Protect Personal Data**

Masergy maintains technical and organizational safeguards to ensure an appropriate level of security and confidentiality for Your personal data, in accordance with our policies and applicable legislation. We aim to ensure protect the confidentiality for Your personal data, to prevent unauthorized access, maintain data accuracy, and ensure the correct use of information. However, Masergy cannot guarantee and has no control over the public, in certain cases, or third party networks through which You may send Your personal data to the Site.

## **Customer Proprietary Network Information (CPNI)**

CPNI refers to and includes information that Masergy has about You solely by virtue of our relationship with You as our customer. CPNI includes information about (i) the type of service You subscribe to, such as the technical configuration, destination and location of services (e.g., service addresses, circuit speed and capacity, etc.); (ii) the amount of service You subscribe to (e.g., the monthly bill, number of lines, circuits, calls, minutes, etc.); and (iii) usage of the service (e.g., number called, calls received, time, location, or duration of any calls, and features utilized).

Masergy's use of CPNI is subject to laws and regulations which obligates Masergy to: (i) maintain the confidentiality of CPNI and (ii) with certain exceptions as described below, to use CPNI only to provide and support the services to which You subscribe.

As a general rule, Masergy does not share CPNI with third parties except as necessary to provide the service requested by You, for example, a supplier may need to know Your service location in order to deliver a local circuit. Even then, CPNI is only provided to the supplier to the extent necessary to provide the service You request.

Masergy uses CPNI to provide You the services that You subscribe to, manage services that You request, recommend new products and services that may be of interest to You, provide inbound marketing services if You contact Masergy for that purpose, conduct customer satisfaction surveys, bill and collect for services rendered, and protect Masergy's rights and property, including fraud control.

Masergy may, from time to time, contact You to authenticate any person requesting information to ensure that person is authorized to access CPNI on Your behalf. You have the right to correct, amend or delete individuals who are authorized to access CPNI on Your behalf by (a) contacting Masergy via electronic mail at [csc@masergy.com](mailto:csc@masergy.com); (b) calling Masergy toll free at 877-462-7374; or (c) making such changes via Masergy's Intelligent Service Control portal located at [www.masergy.com](http://www.masergy.com) (changes may only be made by Your administrative user and requires prior account registration and setup). To protect Your privacy and security, Masergy will take reasonable steps to verify Your identity before granting access or making corrections.

## **Third Party Links**

Our Site may provide links which, when selected, take You to another web page, to places within a document, to another document altogether, or to other web sites not controlled by Masergy. If You choose to use any third-party sites, any personal data collected by the third party's site will be controlled by the privacy policy of that third party. Masergy is not responsible for the collection, use or disclosure of personal data collected through these Web sites. We strongly recommend that You take the time to review the privacy policies of any third parties to which You provide information.

## **Updates to Our Privacy Policy**

Masergy reserves the right to modify this Privacy Policy at any time. Any changes will be posted on this Site. We will post a prominent notice on this web page to notify You of any significant changes to our Privacy Policy and indicate at the top of the notice when it was most recently updated. It will be Your responsibility to watch for and read the posted Privacy Policy changes.

## **Children's Privacy Commitment**

Protecting the privacy of children is especially important. For that reason, no part of the Site is structured or intended to attract anyone under 13 and Masergy does not knowingly collect or maintain Personal Information from children under the age of 13.

If You are under 13, You should not provide any information to us in any manner including through the Site.

### **How to Contact Us**

If You have any questions in relation to the processing of Your personal data, You may email us at [info@Masergy.com](mailto:info@Masergy.com), or write to us at:

#### Global

Masergy Communications, Inc.  
2740 North Dallas Parkway Suite 260  
Plano, TX 75093  
United States  
Phone: toll free at +1 866-588-5885

#### EEA and Switzerland

If You are a user or customer from the EEA, then the Masergy entity responsible for the processing of Your personal information subject to this Privacy Policy is Masergy Communications UK Limited in London, which can be reached at [info@Masergy.com](mailto:info@Masergy.com) or by writing to us at:

Masergy Communications UK Limited  
Salisbury House, 29 Finsbury Circus  
London EC2M 5QQ  
United Kingdom