

Axway Product Privacy Notice for Syncplicity

January 2022

Please read this Privacy Notice carefully to understand Axway policies and practices regarding how personal data may be collected and processed through Syncplicity and how the product processes that data.

Axway Syncplicity provides enterprise file sharing, syncing and collaboration services with centralized data governance and security policies.

SCOPE OF THIS PRODUCT PRIVACY NOTICE

This Privacy Notice applies solely to processing of personal data through Syncplicity when you use the product.

Unless otherwise specified, this Privacy Notice does not apply to any other information processed in any other way (whether online or offline).

For processing of personal data by Axway in the course of our business relationship, please refer to Axway's Privacy Statement (<https://www.axway.com/en/privacy-statement>), and Axway's Privacy compliance program (<https://www.axway.com/en/gdpr>).

PERSONAL DATA PROCESSED BY THE PRODUCT

For each partner you wish to onboard on your Syncplicity platform, the following information will be required:

- Identification of the partner (Name)
- Email address, Telephone Number
- Network Data
- Purchase/Subscription Details
- Credit or Debit Card Information

That information may be personal data if the identification of the User and/or their email address relates for instance to the name of an identified or identifiable individual.

Syncplicity does not require other personal data or any sensitive data, if you choose to process personal or sensitive data through Syncplicity, you warrant that you are duly authorized to process those data and that you do so lawfully in compliance with relevant legislation.

As per our general terms and conditions for subscription services, Axway shall not access your content except in response to support or technical issues where you provide us with prior written authorization, required to access such content.

PROCESSING OF PERSONAL DATA BY THE PRODUCT

Who is the data controller?

When you choose to process personal data through the product, you are the controller of the processing and therefore warrant that your processing is compliant with all laws and regulations in force applicable

to your processing of personal data (Applicable Laws and Regulations), including the Regulation (EU) 2016/679 (General Data Protection Regulation).

What is the purpose of the processing of personal data by the product?

As data controller, you determine the means and purpose of the processing of personal data, if any, you make using the product.

Syncplicity typically processes data, which may be personal data, for the following purpose:

- (i) for the performance of a contract to which the data subject is party, or
- (ii) to take steps at the request of the data subject prior to entering into a contract.

As the controller of the processing, you are responsible for ensuring that any processing you make using the product is compliant with the Applicable Laws and Regulations. Please note that depending on your specific use of Syncplicity, the purpose of the processing may differ. Axway shall have no responsibility if your use of the product is not compliant with the Applicable Laws and Regulations.

Is Axway a data processor?

When you are managing the hosting environment for Syncplicity (**Customer Managed Subscription** or **Product License**), you do not need to give access to any personal data to Axway to use Syncplicity therefore, Axway does not process any personal data on your behalf as processor.

When Axway is managing the hosting environment for Syncplicity (**Axway Managed Subscription**), and you process personal data through the product, Axway is a processor of such personal data, on your behalf.

If any personal data is to be processed by Axway as a data processor on your behalf, it is mandatory to establish a data processing agreement (“DPA” as completed on our website or otherwise agreed to in writing) in which you determine the purposes and means of the data processing you want Axway to process on your behalf.

In any case, it remains your responsibility and liability (as controller) to implement effective technical and organizational measures and be able to demonstrate the compliance of processing activities even if the processing is carried out by Axway acting as data processor on your behalf.

When Axway is processor, are there sub-processors?

Sub-processors: When Axway is managing the hosting environment, Syncplicity is hosted by (Amazon Web Services Inc.) at the location defined in your subscription agreement. Amazon Web Services is Privacy Shield.

ACCESS AND RETENTION POLICY WITHIN THE PRODUCT

As user of Syncplicity and controller of the processing, you determine the access and retention policies applicable to the data you process with Syncplicity. Axway does not have access to your data or parameters you configure and therefore cannot manage on your behalf requests from eventual data subject (rectification, erasure...), unless otherwise expressly mutually agreed in the DPA.

When Axway is a processor, and unless otherwise expressly agreed in the agreement or the DPA, we will delete or return to you all personal data we may have after the end of the provision of the services related to the processing.

SECURITY MEASURES

As data controller, you in any case, it is your responsibility and liability to implement effective technical and organizational measures, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using the technical or organisational measures, and be able to demonstrate the compliance of your personal data processing activities.

When Axway is a processor of personal data on your behalf in the use of the Product, the applicable security measures are those provided in the DPA (security measures attached to the DPA or specific security measures as agreed).

As an additional optional service to Syncplicity, when subscribed pursuant to your subscription agreement, the Syncplicity can provide the following security features: On-premises storage, Storage Vault Authentication DLP Integration, CMK, Rights Management features as described in the product documentation.

CHANGES TO THIS PRODUCT PRIVACY NOTICE

Axway will review and update this Privacy Notice periodically and will note the date of its most recent revision above. If we make material changes to this Privacy Notice, we will notify you either by prominently posting a notice of such changes prior to implementing the changes or by directly sending you a notification. We encourage you to review this Privacy Notice frequently to be informed of how Axway is collecting, using, retaining, protecting, disclosing, and transferring your information.