

# PRIVACY POLICY

Updated: March 28, 2019

Previous Update: August 16, 2016 ([see previous update](#))

SysCloud Inc. (the “Company” or ‘we’) is a backup, migration and security solutions provider, which helps organizations to protect themselves from critical data loss due to file corruption, accidental user error, and malicious acts.

Your privacy is very important to us. We have developed this Privacy Policy for demonstrating our commitment towards secure handling of information collected when you use our services or visit our website.

SysCloud complies with the U.S. – E.U. Safe Harbor framework and the U.S. – Swiss Safe Harbor framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal data from European Union member countries and Switzerland. SysCloud has certified that it adheres to the Safe Harbor Privacy Principles of notice, choice, onward transfer, security, data integrity, access, and enforcement. To learn more about the Safe Harbor program, please visit <http://www.export.gov/safeharbor/>.

We have tried to keep the Privacy Policy as simple as possible. If you are not familiar with terms like API, cookies, Personal Information, anonymous information – please refer to the Definition section of this Privacy Policy.

## SCOPE

This Privacy Policy describes:

- What information we collect?
- How is the information used?
- Why do we collect that information?

The choices we offer, including how to access and update information.

By using our website and services and while providing your personal data via our site and services, you agree to the terms of conditions of this privacy statement. You also expressly consent to the use of your Personal Information as mentioned in this Privacy Policy. We may process your Personal Information both in the country where the data is collected and in other countries (including the U.S.), where the laws related to processing of your Personal

Information might be different than and less stringent when compared to the laws in your country.

This Privacy Policy applies to all personal and anonymous data that we collect from you, whether in paper, verbal or electronic format. This Privacy Policy applies to all products, applications, services, and websites (the “Services”) offered by SysCloud Inc.

## WHAT INFORMATION DO WE COLLECT

We collect Personal Information that you provide voluntarily, when you register online for any services or contact us expressing interest in our services. When you register with us for creating a user account (paid or trial), we require certain Personal Information such as your name, name of the organization, email id, contact number, and billing information. You can choose not to provide certain information that we may request for, this may limit the services that you can access.

If you are Business User Subscriber information related to your name and email id may be obtained from your employers. In order to process subscription to our services, we require credit card and billing related information. We refer to this as ‘Billing Information’. If you have purchased any of our services via our Reseller/Business Partner organizations we may receive Personal Information they have collected. When you communicate with us via email, we may collect and store any information in your communication to us.

### Backed Up data

The contents of a business user backed up data may contain Personal Information and Anonymous information such as email addresses, home, office addresses, telephone numbers, and other content communicated via email or inside contact fields. Except for troubleshooting purposes, we will not otherwise view the contents of the backed up data without your permission in writing. For troubleshooting purposes, we may have to view file system information (excluding file contents, data like file extensions, size and folder names). Our technology uses some of these inputs to provide incremental backups and troubleshooting purposes. An employer can request:

- (i) a copy of backed up data of its employees and
- (ii) deletion of backed up data without employee’s consent.

### Anonymous information

When you visit our website we may gather anonymous information such as your IP address, domain name, browser, search terms, and time spent on our web pages. We gather your

information through cookies and web bugs, whenever you visit our website and other related pages. We may use cookies to determine the date and time of visit to our website.

## Orders

When you order services from or otherwise contact the company, we collect some Personal Information to allow us to provide you the service, fulfill your requirement and provide you the customer support. This information may include your name, address, phone number, your device information, registration data, email address, payment detail, and any other information that you entered while using our services.

## Log Data

When you use the services, our servers automatically record information that your phone and browser send whenever you use the services (“Log Data”). This Log Data may include, but is not limited to, your computer or phone Internet Protocol address, application version, browser type, the web page you were visiting before you launched the service, and information you search for using our service. We use this information to monitor and analyze use of the services and for technical administration of the services, to increase the service functionality and user-friendliness, and to better tailor our services to our users’ needs. This information is collected using cookies and other tracking technologies as previously defined.

## HOW IS THIS INFORMATION USED?

Only the Company has access to any such collected information. We will not give or sell your Personal Information to any other company for any purpose without your written consent. We may use this information to notify you of important announcements regarding our applications, upgrades to our applications and special offers, and to provide you support for the application and technical related queries. If you do not want to receive any announcement from us, you can ask to be excluded from such announcements by sending us an email to [privacy@syscloud.com](mailto:privacy@syscloud.com) requesting the same.

## HOW IS THIS INFORMATION SHARED?

When you register with the company and set up an account, the information you provide will be shared within the company in order to fulfill the order and/or provide additional support or information. We may need to provide such information to our partners and suppliers to enable us to ship your product and fulfill your order.

## WHY DO WE COLLECT YOUR INFORMATION?

We use your Personal Information and anonymous information solely to provide or improve services, complete your transactions and administer your inquiries.

#### CHOICE

If you decide at any time that you no longer wish to receive marketing collateral or promotional material from us, please follow the unsubscribe instructions provided in any of the communications. We will endeavor to comply with your request as soon as reasonably practicable. Please note that if you opt-out from receipt of such communications, as described above, we will not remove your Personal Information from our databases or those of our third party service providers to which we have already provided your Personal Information as of the date that we implement your opt-out request.

#### REVIEW OF INFORMATION

You may ask us to remove your information from our system at any time after the completion of your order. However, some information may be necessary for providing you support. In that event, we may not be able to provide you one or more of our services that you are using. We will remove as much of this Personal Information that we can. If you want all the information deleted from our database, please contact us at [privacy@syscloud.com](mailto:privacy@syscloud.com) and we will do what we can. It may result in you losing access to our services.

#### CHANGE OF CONTROL

If the ownership of our business changes, we may transfer your information to the new owner so they can continue to operate the service. But they will still honor the commitments we have made in this Privacy Policy.

#### THIRD PARTY SITES

Your Personal Information may be shared with the third parties who work with us or on behalf of us in order to provide you with the services and features that we offer. SysCloud provides your information to third-parties only for business related purposes, which include customer outreach services (email/telephone), payment/credit card processing service providers, and third-party customer service providers. We do not intend to sell/rent your personal or any other information. This privacy statement applies only to information collected by us through our site or services.

We may collect customer information from the third party publicly available sources. Such information will also be protected in a similar manner with respect to the personal data that we directly collect from the customers. This privacy statement does not apply to third party websites and therefore, we request you to read the privacy statements of all the third party websites you visit.

## AGGREGATE INFORMATION AND NON-PERSONAL INFORMATION

We may share aggregated information that does not include Personal Information and we may otherwise disclose Non-Personal Information and Log Data with third parties for industry analysis, demographic profiling, and other purposes. Any aggregated information shared in these contexts will not contain your Personal Information.

## SERVICE PROVIDERS/RESELLERS

We partner with Google App Resellers and other Service Providers to sell our applications on our behalf and to perform services related to administration of the services (“Resellers”). These Resellers have access to your Personal Information only to perform these tasks on our behalf and are obligated not to disclose or use it for any other purpose.

## UPDATING AND DELETING YOUR INFORMATION

Personal/Anonymous information:

Users can update their Personal Information or delete inaccurate data at any time either by editing their profile online or by sending us an email request to update or delete their Personal Information to [support@syscloud.com](mailto:support@syscloud.com). Once when we receive your request, we will respond within 30 days of time. When updating your Personal Information, we may ask you to verify your identity before we can act on your request.

If you update or request changes to your Personal Information, we may continuously use or disclose that information, which in turn will reflect those changes. However, we do not have the permission to update any of your Personal Information that is previously disclosed to any third party. We require certain information to enable you to access our sites and services. If you delete such necessary information you may not be able to use our sites or services.

We may also request you to update or delete your data in order to prevent fraudulent activities and to enforce our terms of services. When we delete your data, it will remain in our archives but will be deleted from the active database. The identity of individuals will be checked before granting permission to access/edit personal data. We do not make use of government-issued identifiers for authenticating users. SysCloud will mail you about a change request only to the address of record. In case of an address change, we mail to both the old and new addresses.

## Backed Up/Migration/Domain Security Data

Backed up/migration/domain security data can include both personal and anonymous information. SysCloud will not view the contents of your account unless we believe that

your account has been used for illegal purposes. To provide incremental backups and technical support, SysCloud may view your backed up/migrated data.

We also collect the backed up/migrated data that you have requested us to collect from third-party sites. SysCloud Domain Security application scan your documents to generate detailed security reports and this scan can be turned off in settings page during on-boarding or later. You can request a copy of your backed up data. You can access the copy of your migrated data by just logging into our migration application. You can mail to [support@syscloud.com](mailto:support@syscloud.com) with a proof of identity.

## DATA RETENTION

We follow a standard retention period in order to retain customer's personal data. The company retains customer's Personal Information only as long as is necessary. SysCloud may retain customer's personal data for 2 years minimum, until user consents for earlier disposal.

We review all personal data that the company holds regularly and may delete the data that is no longer necessary. Personal Information which still needs to be retained for a longer period will be archived/kept offline (made anonymous so that it cannot be identified to any individual) in a safe manner.

## COMPLIANCE WITH LAWS AND LAW ENFORCEMENT

The Company cooperates with government and law enforcement officials and private parties to enforce and comply with the law. We may disclose any information about you to government or law enforcement officials or private parties as we, in our sole discretion, believe necessary or appropriate to respond to claims and legal process (including but not limited to subpoenas), to protect the property and rights of the Company or a third party, to protect the safety of the public or any person, or to prevent or stop any activity we may consider to be, or to pose a risk of being, illegal, unethical, inappropriate or legally actionable. We may use your originally collected or provided personal data for any purpose in order to prevent fraud and other illegal activities or to preserve a legal claim or defense. We reserve the right to do any of the foregoing.

## SECURITY

The company is very concerned with safeguarding your information. The company will take reasonable steps to protect your Personal Information from loss, misuse, unauthorized access, disclosure or unauthorized alteration. We are not in the business of providing information security. We do employ limited data security measures, such as encryption, on some but not all systems. No method of transmission over the Internet, or method of electronic storage, is 100% secure, however. Therefore, while the company strives to use

commercially acceptable means to protect your Personal Information, the company cannot guarantee its absolute security. Do not provide your Personal Information if you are concerned with its disclosure. We do our best to keep your information secure. We try to keep the company services available, bug-free and safe, but do not make guarantees about any part of our services or applications.

We will make any legally required disclosures of any breach of the security, confidentiality, or integrity of your unencrypted electronically stored “personal data” (as defined in applicable state statutes on security breach notification) to you via e-mail or conspicuous posting via the services in the most expedient time possible and without unreasonable delay, insofar as consistent with

- (i) the legitimate needs of law enforcement or
- (ii) any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

#### INTERNATIONAL TRANSFER

Your information may be transferred to—and maintained on—computers located outside of your state, province, country or other governmental jurisdiction where the privacy laws may not be as protective as those in your jurisdiction. If you are located outside of the United States and choose to provide information to the Company, please be advised that we may transfer Personal Information to the United States or other countries and process it there. Your consent to this Privacy Policy followed by your submission of such information represents your agreement to that transfer.

#### DISPUTE RESOLUTION

If you have questions or concerns regarding this Privacy Policy, you should first contact company at [privacy@syscloud.com](mailto:privacy@syscloud.com) or at the following address:

Privacy Matters c/o SysCloud, Inc., 20 Commerce Dr #135, Cranford, NJ 07016.

For complaints that cannot be resolved between the company and the complainant, the company has agreed to participate in the dispute resolution procedures of the American Arbitration Association (AAA), ICDR/AAA Safe Harbor Program in accordance with its applicable commercial rules as well as the Safe Harbor Principles. All decisions of the arbitration panel shall be final and binding on the parties, which waive any right to further appeal the arbitration award, to the extent an appeal may be lawfully waived.

## PHISHING

Identity theft and the practice currently known as “phishing” are of great concern to company. Safeguarding information to help protect you from identity theft is a top priority. We do not and will not, at any time, request your credit card information, your login password, or national identification numbers in a non-secure or unsolicited e-mail or telephone communication. For more information about phishing, visit the Federal Trade Commission’s website.

## OUR POLICY TOWARD CHILDREN

Privacy for children is very important to us. We do not knowingly collect Personal Information from children under 13. If a parent or guardian becomes aware that his or her child has provided us with Personal Information without their consent, he or she should contact us at [privacy@syscloud.com](mailto:privacy@syscloud.com). If we become aware that a child under 13 has provided us with Personal Information, we will delete such information from our files and disable their account.

## YOUR CALIFORNIA PRIVACY RIGHTS

California law permits residents of California to request certain details about what Personal Information a company shares with third parties for the third parties’ direct marketing purposes.

The company does not share your information with third parties for the third parties’ own and independent direct marketing purposes unless we receive your permission. If you have questions about our sharing practices or your rights under California law, please write to us at

Director Privacy, 20 Commerce Dr #135, Cranford, NJ 07016, or contact us at [privacy@syscloud.com](mailto:privacy@syscloud.com).

## CHANGES IN THIS PRIVACY POLICY

This Privacy Policy may be modified periodically to reflect changes that are made to our services and applications. Any change made in this policy will be posted on our website. We request that you review our website periodically to review the Privacy Policy. Changes, which affect the confidentiality of customer data, will be communicated to the customers either via email or the changes will be posted on our website. If you do not understand or agree to any changes, please email us immediately at [privacy@syscloud.com](mailto:privacy@syscloud.com).

## DEFINITIONS

We recommend that you become familiar with the following definitions so that you can better understand how we use data about you and to enhance your experience using our Applications and Services.

## API

An application programming interface or “API” is a particular set of rules and specifications that allow one software program to access and make use of another software program. It helps facilitate the interaction between applications, similar to the way the user interface facilitates interaction between humans and computers. The Company uses APIs to enable easy access to our Services.

## Cookies and other Tracking Technologies

Cookies are small text files that web servers typically send to users’ computer when they visit a website. Cookies can be read or edited when the user loads a website or advertisement from the domain that wrote the cookie in the first place. Cookies are used by companies to collect and send information about a user’s website visit – for example, the number of visits, average time spent, pages viewed, navigation history through the website, and other statistics. This information can be used to improve a user’s online experience by saving passwords, or allowing companies to track and improve website loading times, for instance. Cookies can also be used to track a user’s browsing or online purchasing habits and to target advertisements to specific users. Cookies cannot be used to access any other data on a user’s hard drive, to personally identify them, or to act like malware or a virus. Users who prefer not to accept cookies can set their Internet browser to notify them when they receive a cookie or to prevent cookies from being placed on their hard drive. We may also use “pixel tags,” “web beacons,” “clear GIFs” or similar means (individually or collectively “Pixel Tag”) in connection with our Applications and Services to collect usage, demographic and geographical location data. A Pixel Tag is an electronic image, often a single pixel that is ordinarily not visible to users and may be associated with cookies on a user’s hard drive. A Pixel Tag allows us to count users who have visited certain screens on our web page, to deliver branded services, and to help determine the effectiveness of promotional or advertising campaigns.

## Personal Information/Data

We define personal information as “information that can be used to uniquely identify, contact, or locate a single person or can be used with other sources to uniquely identify a single individual.” e. g. name, address, social security number, e-mail address, etc.

## CONTACT SYSCLOUD

If you have any questions about the Privacy Policy, please contact SysCloud at [privacy@syscloud.com](mailto:privacy@syscloud.com) or [support@syscloud.com](mailto:support@syscloud.com) .

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