



Website Privacy Notice – North America

Sungard Availability Services LP ("Sungard AS") is committed to maintaining your confidence and trust, and accordingly maintains the following Privacy Policy to protect the personal information you provide online. In this Privacy Policy we describe how we collect, use and disclose the information we obtain via our website, www.sungardas.com (the "Site"), including the services available via the Site (the "Services").

By visiting the Site, or using any of our Services, you agree that your personal information will be handled as described in this Policy. Your use of our Site or Services, and any dispute over privacy, is subject to this Policy and our Terms of Use, available here.

Information We Collect About You

We may collect information directly from you and, as well as automatically through your use of our Site or Services. You can browse many areas of our Site and use many of our Services without registering with us or providing your name or contact information. However, to access certain Services or content on the Site, we may ask you to register or provide certain information to us. In general, we collect information about you as follows:

- ▶ **Name, Contact, Registration Information.** As noted, in order to access certain information, such as whitepapers or similar documents, we collect name, company name and contact information; we may also ask you for additional information, such as industry. Further, authorized users may be provided log-in credentials through which to access our customer portals; in order to obtain credentials, we may require that you provide your name, email, contact information, company information and other relevant information. If you submit a question or other communication to us, such as via the "Contact Us" page or chat feature of the Site, we will collect your name, email, company name, phone number, country, and any other information you submit as part of your communication.
- ▶ **Your Activities.** If you access our customer portal, we collect information about your activities and actions while logged in. Also, if you post any content to our Site – such as a comment to a blog – we collect information about your post, as well as your name and contact information if you have provided it. We may also ask you to participate in surveys or similar questionnaires. Your participation is voluntary. However, if you choose to participate, we will collect information about your responses, as well as your name, contact information and other information you provide to us. Your choice not to participate in this activity will not make you ineligible to use another feature on our Site.
- ▶ **Usage and Browsing Information.** In addition, in the course of using our site we automatically track certain information about you, via log files, cookies, pixel tags and other technologies. This information includes the URL of the web page that you just came from (whether this URL is on our

This notice describes how we collect, use and disclose the information we obtain via our website and services. Please review it carefully.

site or not), which URL you go to next (whether this URL is on our site or not), what browser you are using, the number of times you visited Sungard AS' website, which pages you visited and what materials, if any, you downloaded, your IP address and location information. Please see the section "Cookies and Other Tracking Mechanisms" below for more information.

How We Use Your Information

We use the information we collect about you through our Site and Services as follows:

- ▶ To help us improve our Site and Services.
- ▶ To provide you with the products you have requested and to otherwise fulfill your orders.
- ▶ To provide our Services to you, to communicate with you about your use of our Site and Services, to respond to your inquiries, and for other customer service purposes.
- ▶ To inform you about additional products or services that may be of interest to you, and for other marketing and promotional purposes. For example, we may send you emails about products, services or other information that we think may interest you. If you submit your name, phone number and contact information to us in order to receive more information from us, we may call or email you to follow up on your inquiry.
- ▶ To better understand how users' access and use our Site and Services, both on an aggregated and individualized basis, in order to improve our Site, Services and business, respond to user desires and preferences, and for other research and analytical purposes.

How We Disclose the Information We Collect

In this section we explain why and with whom we share your personal information:

- ▶ **Service Providers.** Sungard AS may hire other companies to provide services on our behalf, including packaging, mailing and delivering purchases, answering customer questions about products or services, sending mail and processing event registration. We may disclose the information we collect from you to third party vendors, service providers, contractors or agents who perform functions on our behalf.
- ▶ **Business Partners.** Sungard AS may also provide the information we collect via our Site to third-party business partners in delivering webinars on topics relevant to Sungard AS' services.
- ▶ **Affiliates.** We may disclose the information we collect from you to our affiliates or subsidiaries; however, if we do so, their use and disclosure of your personally identifiable information will be subject to this Privacy Policy.
- ▶ **In Response to Legal Process.** We also may disclose the information we collect from you in order to comply with the law, a judicial proceeding, court order, or other legal process, such as in response to a court order or a subpoena.
- ▶ **Business Transfers.** If we are acquired by, merge with, or enter a joint venture with another company, or if all or substantially all of our assets are transferred to another company, or as part of a bankruptcy, we may transfer the information we have collected from you to the new or acquiring company.
- ▶ **To Protect Us and Others.** We also may disclose the information we collect from you where we believe it is necessary to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, violations of our Terms of Use or this Policy, or as evidence in litigation in which Sungard AS is involved.
- ▶ **Aggregate and De-Identified Information.** We may share aggregate or de-identified information about users with third parties for marketing, advertising, research, or similar purposes.

Cookies and Other Tracking Mechanisms

We and our third party service providers use cookies and other tracking mechanisms to track information about your use of our Site and Services. We may combine this information with other personal information we collect from you (and our third party service providers may do so on our behalf). Currently, our systems do not recognize browser “do-not-track” requests. You may, however, disable certain tracking as discussed in this section (e.g., by disabling cookies).

- ▶ **Cookies.** We also employ the use of cookies to assist us in this process. A cookie is a small piece of computer code that we transfer to your computer’s hard drive through your web browser, which enables our web servers to identify users and collect certain usage Site information from users. Some cookies allow us to make it easier for you to navigate our Site and services, while others are used to enable a faster log-in process or to allow us to track your activities at our Site and Services. Most web browsers automatically accept cookies, but if you prefer, you can delete cookie files from your hard drive, or avoid cookies by configuring your browser to reject them or to notify you when a cookie is being placed on your hard drive. The Help portion of the toolbar on most browsers will tell you how to prevent your computer from accepting new cookies, how to have the browser notify you when you receive a new cookie, or how to disable cookies altogether. Visitors to our Site who disable cookies will be able to browse certain areas of the Site, but some features may not function.
- ▶ **Clear GIFs, pixel tags and other technologies.** Clear GIFs are tiny graphics with a unique identifier, similar in function to cookies. In contrast to cookies, which are stored on your computer’s hard drive, clear GIFs are embedded invisibly on web pages. We may use clear GIFs (also known as web beacons, web bugs or pixel tags), in connection with our Site to, among other things, track the activities of Site visitors, help us manage content and compile statistics about Site usage. We or our service providers may also use clear GIFs in HTML emails to our customers to help us track email response rates, identify when our emails are viewed and track whether our emails are forwarded.
- ▶ **Third-party Analytics.** We use third party analytics tools, including Google Analytics, to collect, monitor and analyze this information in order to improve functionality and user-friendliness, and to better tailor the Site and Services to our visitors' needs. Accordingly, usage data is shared with Google, which has its own privacy policy addressing how it uses such information. We encourage you to review this privacy policy to understand how Google uses such information.

Plug-ins and Social Media Widgets

Our Site and Services may include social media features and widgets, such as the Facebook Like button and the "Share this" button, as well as other interactive mini-programs that run on our Site and Services and enable certain features to work (e.g., blogs and comments). These features may collect your IP address, which page you are visiting on our Site or viewing through the Services and may set a cookie to enable the feature to function properly and for purposes. These features are displayed on our Site, but are hosted by third parties, and are subject to their own privacy policies, not this one.

User Generated Content

We may invite you to post content on our Site or Services, including your comments, reviews, pictures, and any other information. If you post such content, all the information that you post will be available to other users of our Site and Services. Your posting may become public and Sungard AS cannot prevent such information from being used in a manner that may violate this Policy, the law, or your personal privacy.

Communications from Us

As noted, we may send you emails about products, services or other information we think may be of interest to you. You may opt out of these emails at any time by sending an email from the email address you wish to unsubscribe to as.us.unsubscribe@sungardas.com. You may also follow the unsubscribe instructions in any such email we send to you. Please note that it may take up to 10 business days for us to process opt-out requests. If you opt-out of receiving promotional or informational emails from us, we may still send you emails about your account or any Services you have requested or received from us.

Access to Personal Information

If you have questions about the personal information you have provided us, or need to update certain personal information, you may contact us using the information provided at the end of this Privacy Policy.

Security

Sungard AS has implemented safeguards on the Site to prevent the unauthorized release of or access to personal information. For example, database information is kept separate from live servers and is firewall protected. Please be advised, however, that although Sungard AS has endeavored to create a secure and reliable site for you, the confidentiality of any communication or material transmitted to or from Sungard AS via the Sungard AS site or e-mail cannot be guaranteed. Sungard AS has no responsibility or liability for the security of information transmitted via the Internet.

Third-Party Web Sites

As a convenience to our visitors, Sungard AS' Website may contain links to a number of sites owned and operated by third parties that we believe may offer useful information. The policies and procedures we describe here do not apply to those sites. You should check the privacy policies of these individual sites to see how your personal information will be utilized by the operators of those third party web sites.

EU- U.S. and Swiss – U.S. Privacy Shield Certifications

On 16 July 2020, the European Court of Justice (“ECJ”) issued a **judgment** declaring as “invalid” the EU Commission’s Decision of 12 July 2016 on the adequacy of the protection provided by the EU-U.S. Privacy Shield. In response to this decision, the United States Department of Commerce announced that it will continue to administer the Privacy Shield Framework notwithstanding the ECJ’s decision. We intend to maintain our Privacy Shield Certification; please be advised, however, that due to the ECJ’s decision, you may no longer rely on our Privacy Shield certification as the basis to lawfully transfer your data to the United States. Upon your request, and if legally required, we will execute European Commission (EC) Model Contract Clauses for processing your personal data.

For information about our Privacy Shield Certification, please see our [Privacy Shield Notice](#).

Changes to this Privacy Policy

Sungard AS may modify this Privacy Policy from time to time. If we decide to change our Privacy Policy, we will post those changes on this page. Your continued use of this site following the posting of changes to these terms will mean you accept these changes. If we make any changes to this Policy that materially affect our practices with regard to the personal information, we have previously collected from you, we will endeavor to provide you with notice in advance of such change by highlighting the change on our Site, or by emailing your email address of record.

How to Contact Us

Should you have other questions or concerns about this Privacy Policy, please use our "[Contact Us](#)" page.

IMPORTANT ADDITIONAL INFORMATION FOR CALIFORNIA RESIDENTS, AS REQUIRED UNDER CALIFORNIA PRIVACY LAWS INCLUDING THE CALIFORNIA CONSUMER PRIVACY ACT (“CCPA”), EFFECTIVE JANUARY 1, 2020

If you are a California resident, the California Consumer Protection Law (CCPA) may apply to how we collect and use your personal information and what rights you have. For information about what categories of personal information we may collect, the sources of that information, the purposes of collecting and using that information, and the categories of parties with whom we may share the information, please see the pertinent sections of this Privacy Policy above.

Please note that the CCPA provides certain exceptions regarding the collection, disclosure, or sale of the personal information of employees, contractors, and applicants to Sungard AS. Additional exceptions apply to information otherwise governed by regulations such as GLBA, FCRA, CFIPA, HIPAA, CMIA. You may address any questions, concerns, or requests about your personal information regarding these exceptions, or Sungard AS’ collection activities to AskASCompliance@sungardas.com.

CALIFORNIA RESIDENTS’ RIGHTS

As of January 1, 2020, California law grants California residents certain rights (unless an exemption applies):

Right to Opt-out.

California residents have the right to opt-out of our sale of their personal information. **WE DO NOT AND WILL NOT SELL YOUR PERSONAL INFORMATION.**

Notice at Collection.

We are required to notify California residents, at or before the point of collection of their personal information, about the categories of personal information collected and the purposes for which such information is used. We maintain this Policy to satisfy this Notice obligation.

Right to Submit a Verifiable Request to Delete, and Requests to Know.

Subject to certain exceptions, California residents have the right to make the following requests, at no charge, up to twice every 12 months:

Right of Deletion: California residents have the right to request deletion of their personal information that we collected about them, subject to certain exemptions and to have such personal information in order to:

- Complete the transaction for which the personal information was collected, provide a good or service requested by the California resident, or reasonably anticipated within the context of a business’s ongoing business relationship with the California resident, or otherwise perform a contract between the business and the California resident.
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity.
- Debug to identify and repair errors that impair existing intended functionality.
- Exercise free speech ensure the right of another California resident to exercise his or her right of free speech, or exercise another right provided for by law.
- Comply with the California Electronic Communications Privacy Act pursuant to Chapter 3.6 (commencing with Section 1546) of Title 12 of Part 2 of the Penal Code.
- Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the businesses’ deletion of the information is likely to render impossible or seriously impair the achievement of such research, if the California resident has provided informed consent.

- Enable solely internal uses that are reasonably aligned with the expectations of the California resident based on the consumer's relationship with the business.
- Comply with a legal obligation.
- Otherwise use the California resident's personal information, internally, in a lawful manner that is compatible with the context in which the California resident provided the information.

Right to Know – Right to a Copy: California residents have the right to request a copy of the specific pieces of personal information that we collected about them in the prior 12 months and to have this delivered, free of charge, either (a) by mail or (b) electronically in a portable and, to the extent technically feasible, readily useable format that allows the resident to transmit this information to another entity without hindrance.

Right to Know – Right to Information: California residents have the right to request that we provide them certain information about how we handled their personal information in the prior 12 months, including the:

- categories of personal information collected;
- categories of sources of personal information;
- business and/or commercial purposes for collecting their personal information;
- categories of third parties/with whom we have disclosed or shared their personal information;
- categories of personal information that we have disclosed or shared with a third party for a business purpose;
- categories of personal information collected; and
- categories of third parties to whom the residents' personal information has been sold and the specific categories of personal information sold to each category of third party.

Submitting Requests.

Requests to exercise the right of deletion, right to a copy, and/or the right to information may be submitted by emailing us at AskASCompliance@sungardas.com. We will respond to verifiable requests received from California Consumers as required by law.

Right to Non-Discrimination, and Incentives.

The CCPA prohibits discrimination against California residents for exercising their rights under the CCPA and imposes requirements on any financial incentives offered to California residents related to their personal information. Sungard AS does not discriminate against residents who exercise their rights under the CCPA, nor do we offer any incentives for the collection, sale or deletion of personal information currently.

Right to Designate an Authorized Agent.

Under the CCPA, California residents also have the right to designate an authorized agent to make requests on their behalf. In order to do so, a resident must provide their authorized agent with written permission. We may require the agent to verify their identity with us, and we may deny a request from an agent who does not submit proof that they have been properly authorized by a California resident. This does not apply when a consumer has provided the authorized agent with power of attorney pursuant to Probate Code sections 4000 to 4465.

Other related documents

[Cookies Policy](#)

[Privacy Shield Notice](#)

About Sungard Availability Services

Sungard Availability Services provides managed IT services, information availability consulting services, business continuity management software, and disaster recovery services.

To learn more, visit www.sungardas.com.

Trademark information

Trademark Information: Sungard Availability Services is a trademark or registered trademark of SunGard Data Systems or its affiliate, used under license. The Sungard Availability Services logo by itself and Recover2Cloud are trademarks or registered trademarks of Sungard AS New Holdings III, LLC. or its affiliates. All other trade names are trademarks or registered trademarks of their respective holders.

© 2021 Sungard Availability Services, all rights reserved.

Website Privacy Notice – North America Revision Date: January 2021
Version 7.0

