

QualiSystems - Privacy Shield Notice

Effective: April 12, 2018

QualiSystems, Inc. (“**Quali**”, “**We**” or “**Our**”) has certified with the EU-U.S. Privacy Shield and the Swiss-U.S. Privacy Shield with respect to the Personal Data that (i) We receive regarding Customers, Customers’ customers or end-users, and business partners; and/or (ii) We collect and/or Process on behalf of, or, in the benefit of, Customers through and/or in the context of the Service or the contracts executed with Customers (including, without limitation, pre-contractual discussions).

Quali complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of Personal Data transferred to the United States. Quali has certified to the Department of Commerce that it adheres to the Privacy Shield Principles and Our Privacy Shield certification will be available here.

If there is any conflict between the terms in this Privacy Shield Notice and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view Our certification, please visit <https://www.privacyshield.gov/>

1. DEFINITIONS.

“**Customer(s)**” means prospective, current, or former customers, or clients of Quali and Quali entities.

“**Personal Data**” means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

“**Processing**” means any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

2. SCOPE.

Quali's participation in the Privacy Shield applies to the Personal Data subject to EU and Swiss data protection law that (i) Quali receives regarding Customers, Customers’ customers or end users and/or business partners and/or (ii) Quali collects and/or Processes on behalf of Customers through and/or in the context of the Service or the contracts executed with Customers (including, without limitation, pre-contractual discussions).

3. PURPOSES OF DATA PROCESSING.

Quali develops and markets software that allows you to create and deploy sandboxes that are replicas of infrastructure and application configurations and to use them for development, testing, demos, training and support. CloudShell works by allowing you model, orchestrate, and deploy on-prem, cloud, and hybrid environments (the “**Service**”).

Quali will Process the Personal Data it receives as described in Section 2, for the purposes of offering and/or providing the Service to Customers. To fulfill these purposes, We may,

without limitation, use the Personal Data to contact data subjects, to discuss or execute contracts, to provide the Service, to provide support and maintenance, to correct and address technical or service problems, for marketing purposes, to comply with applicable laws, regulations and orders from public authorities or courts and/or for the establishment, exercise or defense of legal claims, whether in court proceedings or in an administrative or out-of-court procedures.

4. ONWARD TRANSFERS OF PERSONAL DATA.

Subject to Section 6 below, We will not transfer Personal Data originating in the EU and/or Switzerland to third parties unless such third parties have entered into an agreement in writing with us requiring them to provide at least the same level of protection to the Personal Data as required by the Principles of the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework. We may transfer Personal Data to processors or cloud service providers who need the information in order to provide services to or perform activities on Our behalf. In cases of onward transfer to third parties of Personal Data received pursuant to the EU-U.S. Privacy Shield and the Swiss-U.S. Privacy Shield, Quali is potentially liable.

5. RIGHT TO ACCESS, CHANGE OR DELETE PERSONAL DATA.

Data subjects have the right to access Personal Data about them, and in some cases to limit use and disclosure of their Personal Data. If you would like to request access to the Personal Data We have processed on behalf of one of the Customers, please contact privacy@quali.com and provide your name, contact information and observe the required formalities under applicable law.

6. REQUIREMENT TO DISCLOSE.

Quali may be required in certain circumstances to disclose Personal Data in response to lawful requests by courts or public authorities, including to meet national security or law enforcement requirement.

7. PRIVACY SHIELD INDEPENDENT RECOURSE MECHANISM.

In compliance with the Privacy Shield Principles, Quali commits to resolve complaints about Our collection or use of your Personal Data. EU and Swiss individuals with inquiries or complaints regarding Our Privacy Shield policy should first contact Quali at: privacy@quali.com or by postal mail sent to:

Quali Inc.
Attn: Privacy Shield Inquiry
2901 Tasman Drive, Suite 210
Santa Clara, Cal, 95054
USA

Quali has further committed to refer unresolved privacy complaints under the EU-U.S. Privacy Shield Principles and the Swiss-U.S. Privacy Shield Principles to JAMS, a non-profit alternative dispute resolution provider located in the United States to assist with the complaint resolution process. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit <https://www.jamsadr.com/eu-us-privacy-shield> for more information and to file a complaint. The services of JAMS are provided at no cost to you.

8. U.S. FEDERAL TRADE COMMISSION ENFORCEMENT.

Quali is subject to the investigatory and enforcement powers of the Federal Trade Commission (FTC) to ensure compliance with the EU-US Privacy Shield Principles and the Swiss-U.S. Privacy Shield Principles outlined in this notice.

9. ARBITRATION.

Under certain conditions, more fully described on the Privacy Shield website <https://www.privacyshield.gov/article?id=How-to-Submit-a-Complaint>, you may also be able to invoke binding arbitration when other dispute resolution procedures have been exhausted.