

**Last Update:** 28/03/2017

## **PRIVACY POLICY**

At OVH we are committed to protecting the privacy of any personal information we collect and ensuring that your decisions in relation to this information are respected. When collecting, holding, using or disclosing your personal information and data OVH will comply with the Australian Privacy Principles contained in the *Privacy Act 1988* (Cth). We will notify you in the case of any material non-compliance in relation to your personal information.

The purpose of this policy ('the Privacy Policy') is to explain how OVH manages your personal information ('Personal Information') and your data ('Customer Data') as well as the choices that you may make regarding your personal information.

This Privacy Policy applies to personal information that we collect from OVH Australia Pty Ltd customers who are party to the OVH Australia General Terms and Conditions and Specific Terms and Conditions, or by any other means including through our website or in the course of doing business generally.

## **YOUR PERSONAL INFORMATION**

### **Why do we collect Personal Information?**

Personal information is any information or opinion that may be used to identify an individual. The Personal information that OVH collects is generally limited to Personal Information that is incidental to the provision of OVH's services ('the Services') or the operation of our business.

When you provide your Personal Information to us via the methods and for the purposes outlined in this Privacy Policy you agree to the collection of this information by OVH and the terms of the Privacy Policy and you confirm that you are authorised to provide this Personal Information. You may decide not to provide your personal information to OVH but this may limit our ability to provide or support the Services.

### **What kinds of Personal Information do we collect?**

OVH collects the following types of information:

#### *Contact details –*

We collect contact information which may include name, title, address, postal addresses, company name, phone number, fax number and e-mail address, and date of birth.

#### *Billing information –*

When you utilise the Services, we collect information including credit card details, billing name and billing address.

#### *Transactional Information –*

This is information we collect in relation to the Services such as technical details of the Services you currently use and are interested in, the Services purchased, the way that you communicate with OVH (email, website or by phone) and usernames and passwords that you create and use to engage with us online including to access online account services and support.

### *User preferences, opinions and business details –*

We collect opinions you have expressed to us to better understand your preferences as a current or potential Customer of OVH. We also collect any information relating to your business that you choose to provide such as industry, employee numbers and turnover to better tailor the Services to your requirements.

### *Correspondence –*

We will keep a copy of any correspondence that you send to us. This enables us to maintain a record of our relationship with you, provide assistance to you and ensure the quality of the Services.

### *Information collected automatically through our website, when you use the Services or other means –*

- Website, Applications and Marketing Emails:

We collect certain information when you use our website, applications or interact with our marketing emails and social media. The information we collect in this manner is generally not Personal Information and is not used by OVH to personally identify you. Instead we use this information to improve the Services and our support of the Services and to effectively target our advertising to your needs.

Information automatically collected through our website, applications, marketing emails or social media, includes device ID, device and software characteristics, geolocation data and connection information, browser type and operating system, IP Address and ISP, URL clickstreams, download errors, number of website visits, access time, domain name and screen views.

This information is generated from our site's server or through using cookies. You may decide to clear the cookies from your web browser or device or disable any future use of cookies. However, this means that you may not be able to access the full functionality of OVH's website.

- When using the Services:

When you use the Services we automatically collect usage information that helps us to develop, maintain and support the Services such as computer configuration, performance metrics and service functionality.

### *Information from third parties –*

While operating our business, we may collect contact details and business information from third party vendors, suppliers, consultants and advisors.

### **Your Customer Data**

OVH does not collect Personal Information about you or your customer's from the data you store on OVH's hosted servers.

### **Sensitive Information**

We do not intentionally collect, nor want you nor provide sensitive information such as health information, ethnicity, political preferences, sexual orientation or religious beliefs.

### **How do we collect Personal Information?**

OVH collects Personal Information in the following ways:

- Most of the Personal Information we collect you will provide to us directly when you interact and communicate with us for example, when enquiring about the Services, signing up to the Services, interacting with our marketing activities or website or providing services to us;
- Automatically from your interaction with the OVH website, marketing emails or use of the Services;
- From other people, for example your employer if you use the Services in a business;
- From trusted third parties, when where we purchase information to more effectively target our services and marketing campaigns.

### **How do we use your Personal Information?**

When we have collected your personal information, we store it in a specific database segregated from third party data.

OVH uses your personal information for the following purposes:

- To get in touch with you;
- To evaluate a request by you to receive the Services;
- To provide and optimise the Services;
- To analyse how you use the Service and ways that the Services could be improved;
- To manage your use of the Services, including invoicing and debt collection;
- To maintain and improve the content and ease of use of our Website and customer online account services;
- For general marketing purposes and to promote products and services which may be of interest to you through direct marketing communications, and other advertising media. When we contact you directly for a marketing purpose you may at any time choose to opt out of receiving marketing communications (see 'How you can manage your Personal Information' below);
- To undertake security investigations which protect our business from fraud, misuse of the Services and illegal activities;
- Where reasonably necessary, to facilitate OVH's business operations such as administration, staff training and to carry out product development; and
- For other purposes incidental to the operation of the OVH's business which we will notify you about from time to time. In these circumstances, we will seek your consent to prior to using your Personal Information.

### ***Disclosure of Personal Information***

The Personal Information that we collect will not be shared with, sold or disclosed to anyone external to OVH Australia Pty Ltd except as provided for in this Privacy Policy, in the OVH Terms and Conditions if you are a customer of OVH, or with your consent. Disclosure in these circumstances is strictly limited by OVH to Personal Information necessary to permit these parties to provide products or services to OVH and its customers. OVH will take reasonable steps to ensure that Personal Information is stored securely by third parties and used only for the purposes for which it is disclosed.

Sometimes we will give access to your Personal Information to parties located overseas (Canada).

OVH may give access to your Personal Information to the following parties:

*OVH's affiliates* – OVH is headquartered in France and operates in 20 countries. One of OVH's affiliates may be given access to your Personal Information in order to process that information.

*Contractors and third party suppliers* – OVH may engage Contractors or Third Party Suppliers to undertake sales, business or customer support functions. We may exchange information with contractors and third party suppliers, in connection with the provision of the Services or OVH's website. These parties and their subcontractors will be contractually bound to use the information only to the extent necessary for them to fulfil their function and OVH will at all times retain effective control of the information.

*Debt collection* – In some cases where payment is outstanding under our General Terms and Conditions or Specific Terms and Conditions, we will need to engage debt collection services. In this instance a debt collector will be given secure access to your Personal Information. Access will be limited to what is necessary to recover the debt.

*As required by law or to enforce our legal rights*– We may disclose personal information where we are obliged to under Australian law to a relevant authority or where necessary to enforce our legal rights under the General Terms and Conditions and the Specific Terms and Conditions.

### ***Aggregate Data***

We may disclose non-identifying information such as anonymous aggregate data without limitation. This data does not constitute Personal Information.

## **HOW YOU CAN MANAGE YOUR PERSONAL INFORMATION**

### ***Opting out of our direct email marketing***

If you would prefer not receive email communications from us you may unsubscribe, by clicking the unsubscribe link in any email we send to you. This may only unsubscribe you from certain types of email communications. You can manage your email preferences through your customer panel control. Please note that you cannot opt-out from receiving service related emails.

### ***Accessing, correcting and updating your personal information***

You have the right to request access to or correction of the Personal Information that we hold about you. Should you do so, we will provide access to your Personal Information within reasonable timeframes and in accordance with the APP's.

We will always confirm your identity before giving you access to your Personal Information. There are some circumstances in which we may refuse to give you access to your Personal Information, in

accordance with the APP's. These include when we reasonably believe that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety or that giving access would have an unreasonable impact on the privacy of other individuals.

Requests for access and correction may be made by contacting us using the contact details below. In most cases, we will arrange for access to your information free of charge, however if a particularly complex request is made we retain the discretion to charge a fee. The fee will be reasonable and we will notify you before proceeding what the fee will be so that you may decide whether to continue with the access request.

We will retain your Personal Information for as long as is reasonably necessary to provide the Services, or to fulfil the purposes for which it is collected. We will also retain information as required by law.

We are concerned to ensure the quality, accuracy and completeness of the Personal Information that we hold about you and encourage you to keep your Personal Information up to date.

### ***Making complaints***

Please contact us if you have any concerns about your privacy, the way we manage your Personal Information or a request for access or correction that you have made. You may also submit a formal complaint at the contact details listed below. We will endeavour to respond to your complaint within 20 working days

If you are not satisfied with our response you may submit a complaint to the [Office of the Australian Information Commissioner](#).

### **CUSTOMER DATA**

As an OVH Client the data that you host, transmit or process on our servers may contain your own or your customer's Personal Information. At all times, you retain effective control of your data, the Personal Information it contains and the way that you manage the data and personal information. You are at all times solely responsible for compliance with applicable privacy law in relation to your data.

This data may be hosted on one of OVH's dedicated servers overseas. Storage of Customer Data on overseas servers does not amount to disclosure of Customer Data to OVH's affiliates or overseas contractors.

Employees of OVH may have temporary access to Customer Data for the purposes of providing support services as part of the Services, only when you have given your consent and instructions to OVH to do so. OVH will not access your Customer Data for any other purpose and will not disclose this data to any other entity, except where required by law.

### **SECURITY**

The security of your data is very important to us and we are committed to adopting international best practice in security. We implement a range of physical, technical and organisational measures to protect your Personal Information and Customer Data which include:

- Perimeter security and security zones to manage access to OVH's data centres and facilities;
- Information classification and segregation to ensure security is well-adapted to the information;

- Access restrictions, logging and secure workflow systems, so that those who manage your Personal Information, only see what is necessary to fulfil their function, in line with the purposes set out in this Privacy Policy;
- Technical protections against unauthorised access, data loss and misuse of your Personal Information and Data including firewalls, antivirus protection, backups and encryption.
- Regular monitoring, reviews and updating of our security policies and employee training.

Digital and online services, involve an inherent level of risk which evolves over time. We remain constantly vigilant in responding to this risk, but it cannot be totally mitigated or avoided. Although we will always endeavour to protect your Personal Information and Customer Data through the measures described above, security threats exist and change and we cannot completely guarantee the security of your information. We will notify you as soon as practicable of any material breaches of security, subject to the needs of law enforcement agencies.

Should you become aware of a security breach please notify us promptly. You are also responsible for ensuring that your passwords and login credentials are kept safe and for implementing appropriate security measures to protect the integrity of your Customer Data.

#### **VERIFICATION**

OVH periodically reviews compliance with this Privacy Policy using objective internal review procedures.

#### **UPDATES TO THIS POLICY**

We may update this Privacy Policy from time to time. Each time that we change the “Last Updated” date at the top of this page and include details of changes in the table below. Check this Privacy Policy Regularly to keep on top of the latest changes.

Date	Details of Change

#### **CONTACT DETAILS**

If you need to get in touch with us to ask about this Privacy Policy, request access to, update or correct your Personal Information, or to make a complaint please contact the technical assistance.