

# SolarWinds Privacy

SolarWinds is committed to protecting the privacy of visitors of the SolarWinds website(s), individuals who register to use the products and services, individuals who register to attend the Company's corporate or other events, and business partners. This Privacy page describes our privacy practices in relation to the use of SolarWinds websites (including any customer portal or interactive customer website), its software, services, solutions, tools, and related applications, services, and programs, including attendance of corporate events and research and marketing activities, offered by SolarWinds as well as your choices regarding use, access and correction of personal data.

**GDPR Statement:** The EU General Data Protection Regulation (GDPR), enforceable as of May 25, 2018, imposes additional requirements upon companies to strengthen the security around and enhance the protection of personal data of EU residents. SolarWinds has a dedicated, cross-functional team overseeing SolarWinds' GDPR readiness. We discuss SolarWinds' efforts and commitment to GDPR in the [SolarWinds GDPR Resource Center](#).

**Privacy Notice:** SolarWinds is committed to protecting the privacy of those involved in its business. Our Privacy Notice is meant to help you understand, among other things, what personal data we may collect about you: how we may use that information; when we may use your details to contact you; and your choices about the personal data that you give to us.

**Cookie Policy:** This Cookie Policy addresses how we use cookies when you visit SolarWinds. We want to be clear about how we collect and use data related to you via cookies.

## PRIVACY NOTICE

*Last updated: June 28, 2019*

SolarWinds Worldwide, LLC and its affiliated companies and subsidiaries ("SolarWinds," "we" or "us") are committed to protecting the privacy of visitors of the SolarWinds website(s), individuals who register to use the products and services, individuals who register to attend the Company's corporate events, and business partners ("Customers"). This Privacy Notice ("Privacy Notice") describes our privacy practices in relation to the use of SolarWinds websites (including any customer portal or interactive customer website), our software, services, solutions, tools, and related applications, and programs, including attendance of corporate events and research and marketing activities, offered by SolarWinds (the "Services") as well as your choices regarding use, access and correction of personal data.

This Privacy Notice describes how we collect, use, disclose and otherwise process personal data in relation to our Services and otherwise in the course of our business

activities, including the information practices of the websites that link to this Privacy Notice (“Sites”).

This Privacy Notice does not apply to information collected about SolarWinds employees, applicants, or other personnel.

The SolarWinds Sites may contain links to other websites. Information practices and/or the content of such other websites shall be governed by the privacy notices of such other websites, and SolarWinds accepts no responsibility arising from or regarding such third party websites.

## **About Us**

SolarWinds Services include IT management and monitoring solutions, such as network, systems and database management, security solutions, applications and infrastructure monitoring, and IT helpdesk tools, for individuals as well as businesses; they are sold, directly and through distributors, resellers, and managed service providers (MSPs).

SolarWinds Corporation US and SolarWinds Worldwide, LLC (and our US subsidiaries listed on the SolarWinds certification page) comply with the EU-US and Swiss-US Privacy Shield Framework; as part of this, we have certified to the US Department of Commerce that we adhere to the Privacy Shield principles of: Notice; Choice; Accountability for Onward Transfer; Security; Data Integrity and Purpose Limitation; Access; and Recourse, Enforcement, and Liability (the “**Principles**”), with respect to processing personal data on behalf of our Customers established in the European Union and Switzerland. More information about our Privacy Shield commitment is in the Privacy Shield section below.

You can learn more about Privacy Shield at [www.privacyshield.gov](http://www.privacyshield.gov) and see our Privacy Shield self-certification at [www.privacyshield.gov/list](http://www.privacyshield.gov/list). SolarWinds' self-certification to the Privacy Shield is subject to the investigatory and enforcement authority of the Federal Trade Commission.

## **Customer Owned Data**

As a provider of Services, we may receive, process or store certain information, including personal data, on behalf of our Customers. Such information (“**Customer Data**”) is owned and controlled by our Customers, the data controllers for such information, under EU data protection law. Customer Data may include information from the end points and other systems, tools or devices that Customers manage or monitor using our Services, and end user data related to activities on a Customer’s network and systems. It may also include event logs, end user information (such as IP address, email address and computer name), and other personal data, where relevant, to a support or service request. As a data processor of the Customer Data, SolarWinds processes the Customer Data pursuant to the instructions from our Customers. If SolarWinds receives a data subject request, it may point you in the direction of our Customer, as the data controller of the Customer Data.

## **Data Relating to Our Customers and Users of Our Sites**

SolarWinds collects information as part of its normal business operations and in the administration of Customer relationships, which may include personal data.

*Business Contact and Customer Relationship Management.* We collect and maintain information about our Customers, which may include company name, business contact name and title, phone number, email and other contact details. We may also collect billing address, financial account, credit card information, order details, subscription and license information, and usage details. In addition, we collect user credential and profile data (name, contact, authorized users).

*Data Submitted on Sites.* In order to access or use certain portions of the Sites, to enjoy the full functionality of the Sites, or to conduct or seek to conduct business with us, you may be prompted to provide certain personal data to us, including in the following ways:

- by filling in forms (for example, a “Contact Us” form) on our Sites or at a trade show or anywhere else we conduct business;
- by downloading or accessing the SolarWinds Services;
- by downloading documentation from our Sites;
- by subscribing to newsletters or other communications; or
- by corresponding with us by phone, e-mail or otherwise using our contact details.

Typically, the personal data you give us may include name, business affiliation, business address, telephone number, and email address, and any personal details required to resolve any enquiries or complaints.

*Third Parties.* We may also obtain personal data about Customers from third parties, such as LinkedIn and other publicly accessible sources.

*Customer Support and Service.* When Customers contact us for support or other customer service requests, we maintain support tickets and other records related to the requests, including any information provided by Customers related to such support or service requests. We may also collect call recordings related to support and customer service-related calls.

*Usage Details.* We collect information about Customers’ usage of our Services, including IP address, Customer ID, email address, and other usage statistics. We do not collect usage details about Customer end users, except as necessary for support or to provide the Services requested by Customers.

When you visit our Sites, our server automatically collects certain browser or device generated information, which may in some cases constitute personal data, including but not limited to:

- your domain;
- your IP address;
- your date, time and duration of your visit;
- your browser type;
- your operating system;
- your page visits;

- information from third parties;
- other information about your computer or device; or
- Internet traffic.

*De-identified Data.* We may de-identify and aggregate certain data we collect such that the data no longer identifies or can be linked to a particular customer or an individual data subject (“De-identified Data”), subject to the terms of any applicable customer agreements. We may use this De-Identified Data to improve our Services, analyze trends, publish market research, and for other marketing, research or statistical purposes, and may disclose such data to third parties for these specific purposes.

*Other Data.* SolarWinds collects, uses and maintains certain data related to its business and the Services it provides to Customers, which is not personal data; this Privacy Notice does not restrict our use and processing of such data.

## **Cookies**

Our Sites use cookies. More information about our use of cookies can be found in our cookie policy at [www.solarwinds.com/cookies](http://www.solarwinds.com/cookies).

## **Use of Personal Data**

The following describes our purposes for using personal data that we process as a data controller. Additional details on how we process your personal data may be provided to you in a separate notice or contract.

For individuals in the European Union, our processing (i.e. use) of your personal data is justified on the following legal bases:

- **Performance of Contract:** the processing is necessary to perform a contract with you or take steps to enter into a contract at your request;
- **Compliance with Law:** the processing is necessary for us to comply with a relevant legal obligation (for example, laws which require us to collect tax information from customers, carry out checks on customers, or which compel us to disclose information to public authorities or regulators);
- **Our Legitimate Interests:** the processing is in our legitimate interests, subject to your interests and fundamental rights, and notably our legitimate interest in using applicable data to conduct and develop our business activities, such as developing and maintaining relationships with our customers (the majority of the processing covered by this Privacy Notice is legitimate interest based);\*
- **Defend Our Rights:** where the processing is necessary to the establishment, exercise or defense of legal claims; or
- **With Your Consent:** you have consented to the processing (for example, where we are required by local law to rely upon your prior consent for the purposes of direct marketing).

\* In all cases where legitimate interests is relied upon as a lawful basis, we take steps to ensure that our legitimate interests are not outweighed by any prejudice to your rights

and freedoms. This is achieved in a number of ways, including through the application of principles of data minimization and security, and by taking steps to ensure that personal data is only collected or otherwise obtained where it is relevant to the lawful business activities, and, where using personal data, is reasonably necessary for those activities.

### **Disclosure of Personal Data**

SolarWinds is a global group of companies, and we may share personal data with our affiliated businesses as part of our business operations and administration of the Services. We may also appoint third party service providers (who will operate under our instructions) to assist us in providing information, products or services to you, in conducting and managing our business, or in managing and improving our Services or the Sites. SolarWinds may share your personal data with these affiliates and third parties to perform services that the third parties have been engaged by SolarWinds to perform on SolarWinds' behalf, subject to appropriate contractual restrictions and security measures, or if we believe it is reasonably necessary to prevent harm or loss, or it believes that the disclosure will further an investigation of suspected or actual illegal activities.

SolarWinds reserves the right to share any information that is not deemed personal data or is not otherwise subject to contractual restrictions. Additionally, some Sites may use framing techniques to serve content from our third-party partners, while preserving the look and feel of our Sites; please be aware that you are providing your personal data to these third parties, not to SolarWinds.

If personal data is transferred outside the EU to other SolarWinds group companies or to third-party service providers, we will take steps to ensure that your personal data receives the same level of protection as if it remained within the EU. This includes entering into data transfer agreements, using the European Commission approved Standard Contractual Clauses, or by relying on certification schemes such as the EU - US Privacy Shield. For transfers to other SolarWinds group companies in the United States (a country that has not received a decision from the European Commission determining that the United States provides adequate protection to personal data), we have put in place European Commission approved Standard Contractual Clauses, which protect personal data transferred between SolarWinds entities. You have a right to obtain details of the mechanism under which your personal data is transferred outside of the EU by contacting [privacy@solarwinds.com](mailto:privacy@solarwinds.com).

We contractually require agents, service providers, and affiliates who may process personal data related to the Services to provide the same level of protections for personal data as required under the Principles. SolarWinds currently does not transfer personal data to a third party for the third party's own use, but only for SolarWinds' purposes as outlined above. SolarWinds will remain liable under the Principles if one of its third-party processors processes personal data in a manner inconsistent with the Principles, if we are responsible for the event giving rise to the damage.

### **Other Disclosures**

*Law Enforcement or National Security.* In accordance with our legal obligations, we may also transfer Customer Data, subject to a lawful request, to public authorities for law enforcement or national security purposes.

*Additional Disclosures.* We may also disclose Customer Data (including any personal data), if required by law.

*Business Transfers.* We may share personal data with third parties in connection with potential or actual sale of our company or any of our assets, or those of any affiliated company, in which case personal data held by us about our users may be one of the transferred assets.

*Just-in-Time Disclosures.* Additional disclosures or information about processing of personal data related to specific websites, mobile applications, products, services, or programs may be provided to you. These may supplement and/or clarify SolarWinds privacy practices in specific circumstances and provide you with additional choices as to how SolarWinds may process your personal data.

## **Children**

The Sites, Services and Portal are not for use by children under the age of 16 years and SolarWinds does not knowingly collect, store, share or use the personal data of children under 16 years. If you are under the age of 16 years, please do not provide any personal data, even if prompted by the Sites to do so. If you are under the age of 16 years and you have provided personal data, please ask your parent(s) or guardian(s) to notify SolarWinds and SolarWinds will delete all such personal data.

## **Marketing**

Where lawful to do so, and subject to your consent where required, we may communicate with Customers (and related business contacts) about our Services. If you wish to unsubscribe from receiving marketing communications, please visit the Email Preference Center on our Site or use the Email Preference Center link in our promotional emails to request that we will stop sending you communications.

## **Security**

SolarWinds aims to safeguard and protect your personal data from unauthorized access, improper use or disclosure, unauthorized modification or unlawful destruction or accidental loss, and SolarWinds utilizes and maintains certain reasonable processes, systems, and technologies to do so. However, you acknowledge that no environment is completely secure or error-free, and that these processes, systems, and technologies utilized and maintained by SolarWinds are subject to compromise. Accordingly, we cannot be held responsible for unauthorized or unintended access that is beyond our control.

## **Retention of Your Personal Data**

We apply a general rule of keeping personal data only for as long as is required to fulfil the purposes for which it was collected. However, in some circumstances, we may retain personal data for other periods of time, for instance where we are required to do so in

accordance with legal, tax and accounting requirements, or if required to do so by a legal process, legal authority, or other governmental entity having authority to make the request, for so long as required.

In specific circumstances, we may also retain your personal data for longer periods of time corresponding to a statute of limitation, so that we have an accurate record of your dealings with us in the event of any complaints or challenges.

### **External Links**

The Sites may contain links to third-party sites. Since SolarWinds does not control nor is responsible for the privacy practices of those websites, we encourage you to review the privacy policies of these third-party sites. This Policy applies solely to personal data collected by our Sites or in the course of our business activities.

### **Access and Data Subject Rights**

Individuals have the right to access the personal data processed about them, subject to applicable law; individuals may request to access their personal data processed by us by contacting us at <http://www.solarwinds.com/legal/personal-data-request>.

Subject to applicable law, you may also have some or all of the following rights available to you in respect of your personal data:

- to obtain a copy of your personal data together with information about how and on what basis that personal data is processed;
- to rectify inaccurate personal data (including the right to have incomplete personal data completed);
- to erase your personal data (in limited circumstances, such as where it is no longer necessary in relation to the purposes for which it was collected or processed);
- to restrict processing of your personal data under certain circumstances;
- to port your data in machine-readable format to a third party (or to you) when we justify our processing on the basis of your consent or the performance of a contract with you;
- to withdraw your consent to our processing of your personal data (where that processing is based on your consent); and
- to obtain or see a copy of the appropriate safeguards under which your personal data is transferred to a third country or international organization.

In addition to the above rights, EU data protection law provides applicable individuals the right to object, on grounds relating to your particular situation, at any time to any processing of your personal data for which we have justified on the basis of a legitimate interest, including profiling (as opposed to your consent) or to perform a contract with you. You also have the right to object at any time to any processing of your personal data for direct marketing purposes, including profiling for marketing purposes.

You also have the right to lodge a complaint with your local supervisory authority for data protection.

To exercise such rights, please contact us at <http://www.solarwinds.com/legal/personal-data-request>. Please note that we may request proof of identity, and we reserve the right to charge a fee where permitted by law, especially if your request is manifestly unfounded or excessive. We will endeavor to respond to your request within all applicable timeframes.

If you contact us regarding Customer Data for which we are a data processor, we will attempt to refer your request to the relevant Customer, and data controller for your personal data.

### **Privacy Shield Dispute Resolution**

We encourage EU and Swiss individuals who have questions or complaints about how we process their personal data under Privacy Shield to contact us at [privacy@solarwinds.com](mailto:privacy@solarwinds.com). We will work to resolve your issue as quickly as possible, but in any event, within 45 days of receipt.

We commit to refer unresolved Privacy Shield complaints. Please contact, free of charge, our dispute resolution provider, JAMS, at <https://www.jamsadr.com/eu-us-privacy-shield>.

If you are an EU or Swiss individual and unable to resolve any complaints through any of the above methods, you may be able to invoke binding arbitration through a Privacy Shield panel, in accordance with the Privacy Shield Framework at [www.privacyshield.gov/article?id=How-to-Submit-a-Complaint](http://www.privacyshield.gov/article?id=How-to-Submit-a-Complaint).

### **Contact Information**

If you have any questions in relation to this Privacy Notice, please contact us at [privacy@solarwinds.com](mailto:privacy@solarwinds.com).