

# ElephantDrive Privacy Policy

Updated April 2018

At ElephantDrive we recognize that privacy is important. This Policy applies to all of the products, services, and websites offered by ElephantDrive, its subsidiaries or its affiliated companies.

## 1. Privacy Shield Compliance

ElephantDrive complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Frameworks, as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States.

ElephantDrive has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this privacy policy 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/>.

ElephantDrive is subject to the investigatory and enforcement powers of the FTC.

## 2. Collected Information

In order to provide the highest quality of service and the most robust feature set, we may collect the following types of information:

**Account profile information** - When you sign up for an ElephantDrive account, we ask you for personal information (such as your name, email address and an account password). We may combine the information you submit under your account with information from third parties in order to provide you with a better experience and to improve the quality of our services. For certain services, we may give you the opportunity to opt out of combining such information. We also request credit card or other payment account information which we maintain in encrypted form on secure servers.

**"Vault" folders, files, and data** – ElephantDrive does not own any data, information, or material that you deposit via the ElephantDrive services into your "Vault" (Vault Data).

ElephantDrive will not monitor, edit, or disclose any information regarding your Vault Data without your permission, except in accordance with this Policy and our Terms of Service. ElephantDrive may access your account, including Vault Data, to respond to customer requests or in the course of auditing, research and analysis in order to maintain, protect and improve our services.

**ElephantDrive cookies** – When you visit the ElephantDrive website, we send one or more cookies – a small file containing a string of characters – to your computer that uniquely identifies your browser and stores information related to your current visit. We use cookies to improve the quality of our service by storing user preferences and tracking user trends. Most browsers are initially set up to accept cookies, but you can reset your browser to refuse all cookies or to indicate when a cookie is being sent. However, some ElephantDrive features and services may not function properly if your cookies are disabled.

**Log information** – When you use ElephantDrive services, our servers automatically record information that your ElephantDrive software and browser sends whenever you use the software or visit the website. These server logs may include information such as your web request, Internet Protocol address, browser type, browser language, the date and time of your request and one or more cookies that may uniquely identify your browser.

**User communications** – When you send email or other communication to ElephantDrive, we may retain those communications in order to process your inquiries, respond to your requests and improve our services.

**Affiliated sites** – We offer some of our services in connection with other web sites and software applications. Personal information that you provide to those sites may be sent to ElephantDrive in order to deliver the service. We process such information in accordance with this Policy. The affiliated sites may have different privacy practices and we encourage you to read their privacy policies.

**Links** – ElephantDrive may present links in a format that enables us to keep track of whether these links have been followed. We use this information to improve the quality of our search technology, customized content and advertising. For more information about links and redirected URLs, please see our FAQ section.

**Other sites** – This Privacy Policy applies to web sites and services that are owned and operated by ElephantDrive. We do not exercise control over the sites displayed as search results or links from within our various services. These other sites may place their own

cookies or other files on your computer, collect data or solicit personal information from you.

ElephantDrive only processes personal information for the purposes described in the applicable Privacy Policy and/or privacy notice for specific services. In addition to the above, such purposes include:

- Providing our products and services to users, including the online backup and storage of their data;
- Providing support and assistance to users;
- Auditing, research and analysis in order to maintain, protect and improve our services;
- Ensuring the technical functioning of our network; and
- Developing new services.

ElephantDrive processes personal information on our servers in the United States of America and in other countries. In some cases, we process personal information on a server outside your own country. We may process personal information to provide our own services.

### **3. Choices for personal information**

When you sign up for ElephantDrive services, we ask you to provide personal information. If we use this information in a manner different than the purpose for which it was collected, then we will ask for your consent prior to such use.

If we propose to use personal information for any purposes other than those described in this Policy and/or in the specific service notices, we will offer you an effective way to opt out of the use of personal information for those other purposes.

You can decline to submit personal information to any of our services, in which case ElephantDrive may not be able to provide those services to you.

### **4. Information sharing - Accountability for Onward Transfers**

ElephantDrive only shares personal information with other companies or individuals outside of ElephantDrive in the following limited circumstances:

- We have your consent. We require opt-in consent for the sharing of any sensitive personal information.
- We provide such information to our subsidiaries, affiliated companies or other trusted businesses or persons for the purpose of processing personal information on our behalf. We require that these parties agree to process such information based on our

instructions and in compliance with this Policy and any other appropriate confidentiality and security measures.

- We have a good faith belief that access, use, preservation or disclosure of such information is reasonably necessary to (a) satisfy any applicable law, regulation, legal process or enforceable governmental request, (b) enforce applicable Terms of Service, including investigation of potential violations thereof, (c) detect, prevent, or otherwise address fraud, security or technical issues, or (d) protect against imminent harm to the rights, property or safety of ElephantDrive, its users or the public as required or permitted by law.

If and when transferring personal information to a third party acting as a controller, ElephantDrive will ensure:

- that such data may only be processed for limited and specified purposes consistent with the consent provided by you and
- that the third party will provide the same level of protection as ElephantDrive and will notify us if it makes a determination that it can no longer meet this obligation; and
- that if they can no longer meet those requirements they should stop any information processing or take other reasonable and appropriate steps to remediate.

If and when transferring personal data to a third party acting as an agent, ElephantDrive will:

- transfer such data only for limited and specified purposes;
- make sure that the agent is obligated to provide at least the same level of privacy protection as ElephantDrive;
- take reasonable and appropriate steps to ensure that the agent effectively processes the personal information transferred in a manner consistent with ElephantDrive's obligations under the Principles;
- require the agent to notify us if it makes a determination that it can no longer meet its obligation to provide the same level of protection as is required by the Principles;
- upon notice, take reasonable and appropriate steps to stop and remediate unauthorized processing; and
- provide a summary or a representative copy of the relevant privacy provisions of its contract with that agent to the Department upon request.

If and when transferring personal data to a third party acting as a controller or an agent, ElephantDrive may be liable for handling of data by said third parties that is inconsistent with the Privacy Shield Principles, unless it can prove that it was not responsible for the event giving rise to the damage.

If ElephantDrive becomes involved in a merger, acquisition, or any form of sale of some or all of its assets, we will provide notice before personal information is transferred and becomes subject to a different privacy policy.

We may share with third parties certain pieces of aggregated, non-personal information, such as the average frequency of backup, for example, or the average breakdown of file types. Such information does not identify you individually.

Please contact us at the address below for any additional questions about the management or use of personal data.

## **5. Information security**

We take appropriate security measures to protect against unauthorized access to or unauthorized alteration, disclosure or destruction of data. These include internal reviews of our data collection, storage and processing practices and security measures, as well as physical security measures to guard against unauthorized access to systems where we store personal data.

We restrict access to personal information to ElephantDrive employees, contractors and agents who need to know that information in order to operate, develop or improve our services. These individuals are bound by confidentiality obligations and may be subject to discipline, including termination and criminal prosecution, if they fail to meet these obligations.

## **6. Data integrity**

ElephantDrive processes personal information only for the purposes for which it was collected and in accordance with this Policy or any applicable service-specific privacy notice. We review our data collection, storage and processing practices to ensure that we only collect, store and process the personal information needed to provide or improve our services. We take reasonable steps to ensure that the personal information we process is accurate, complete, and current, but we depend on our users to update or correct their personal information whenever necessary.

## **7. Accessing and updating personal information**

When you use ElephantDrive services, we make good faith efforts to provide you with access to your personal information and either to correct this data if it is inaccurate or to delete such data at your request if it is not otherwise required to be retained by law or

for legitimate business purposes. We ask individual users to identify themselves and the information requested to be accessed, corrected or removed before processing such requests, and we may decline to process requests that are unreasonably repetitive or systematic, require disproportionate technical effort, jeopardize the privacy of others, or would be extremely impractical (for instance, requests concerning information residing on backup tapes), or for which access is not otherwise required. In any case where we provide information access and correction, we perform this service free of charge, except if doing so would require a disproportionate effort. Some of our services have different procedures to access, correct or delete users' personal information. We provide the details for these procedures in the specific privacy notices or FAQs for these services.

## **8. Enforcement**

ElephantDrive regularly reviews its compliance with this Policy. Please feel free to direct any questions or concerns regarding this Policy or ElephantDrive' treatment of personal information by contacting us through this web site or by writing to us at Privacy Issues, c/o ElephantDrive Inc, 212 Marine Street, Suite 100, Santa Monica, California, 90405 USA. When we receive formal written complaints at this address, it is ElephantDrive' policy to contact the complaining user regarding his or her concerns. We will cooperate with the appropriate regulatory authorities, including local data protection authorities, to resolve any complaints regarding the transfer of personal data that cannot be resolved between ElephantDrive and an individual.

## **9. Independent Dispute Resolution Body**

Under certain conditions, users may have the possibility to invoke binding arbitration.

ElephantDrive has elected JAMS (<https://www.jamsadr.com/eu-us-privacy-shield>) as Dispute Resolution provider under the EU-U.S. Privacy Shield program and the Swiss-U.S. Privacy Shield program.

This independent dispute resolution body allows users to address complaints and provides appropriate recourse free of charge to users

## **10. Changes to this policy**

Please note that this Privacy Policy may change from time to time. We will not reduce your rights under this Policy without your explicit consent, and we expect most such changes will be minor. Regardless, we will post any Policy changes on this page and, if

the changes are significant, we will provide a more prominent notice (including, for certain services, email notification of Policy changes). Each version of this Policy will be identified at the top of the page by its effective date, and we will also keep prior versions of this Privacy Policy in an archive for your review.

If you have any additional questions or concerns about this Policy, please feel free to contact us any time through this web site or at:

Privacy Issues

c/o ElephantDrive Inc

212 Marine Street, Suite 100

Santa Monica, California, 90405

USA

[privacy@elephantdrive.com](mailto:privacy@elephantdrive.com)