

Privacy Policy

UPDATED AUGUST 2021

Virtuozzo International GmbH and its affiliated companies (together, “**Virtuozzo**” or “**we**”) respect your privacy and will process any personal data only in accordance with applicable data protection laws. This Privacy Policy covers the information we collect about you when you use our website, our Products or Services (as defined below) and how we process that personal data.

We appreciate that you trust us when you provide us with your information. Protection of information is our top priority because we want to keep your trust.

This Privacy Policy applies to our “Products” (Virtuozzo Hybrid Infrastructure, Virtuozzo Hybrid Server), “Services” (Virtuozzo Hybrid Cloud services, support and professional services) and public parts of our website, including, but not limited to www.virtuozzo.com.

We design all of our Products and Services with data protection in mind. We work hard to keep your information secure. We regularly monitor and update our security practices to help better protect your privacy.

Please read this Privacy Policy carefully. If you have any questions or concerns about our use of your personal information, then please contact us using the contact details provided at the bottom of this Privacy Policy. IF YOU DO NOT AGREE WITH ANY PART OF THIS PRIVACY POLICY, THEN PLEASE DO NOT PROVIDE YOUR PERSONAL DATA TO US OR USE OUR PRODUCTS, SERVICES AND/OR WEBSITES.

QUICK LINKS

We recommend that you read this Privacy Policy in full to ensure you are fully informed. However, if you only want to access a particular section of this Privacy Policy then you can click on the relevant link below to jump to that section.

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THE TYPES OF DATA WE COLLECT

We collect data about you that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with you (“**Personal Data**”).

Personal Data can be provided voluntarily by you or they can be collected automatically.

This Privacy Policy applies to the Personal Data we process as a “data controller”, meaning, as the party that determines what data is collected and why. Please note that this Privacy Policy does not apply to the extent we process Personal Data in the role of a “data processor” on behalf of our customers in the course of providing Products and/or Services.

The European Union (EU) General Data Protection Regulation (GDPR) requires controllers to put agreements in place with their processors that contain rules governing processing data for the controller. If we are acting as a Processor in our business relationship with you, we will be happy to enter into a DPA with you. Please download our DPA available on the Legal webpage, fill out the relevant information, sign it and send us back to us

at privacy@virtuozzo.com.

When you use our Products, Services and websites, we collect the Personal Data that you give us, which includes:

- **Information that you provide voluntarily**
Certain parts of our website, Products or Services may ask you to provide **Personal Data** voluntarily: e.g., we may ask you to provide your contact details in order to download a free trial of our Products, to access to additional resources and documentation (e.g. Product guides) to register an account with us, to subscribe to marketing communications from us, and/or to submit enquiries to us. The **Personal Data** that you are asked to provide, and the reasons why you are asked to provide it, are stated in this Privacy Policy or will be made clear to you at the point we ask you to provide your **Personal Data** and may include:
 - Contact information, such as your name, postal address, email address, telephone number (each whether associated with you in your personal or professional capacity);
 - Authentication data, such as user name, password, password hints, social media handle, and other similar information used to verify the identity of our customers;

- Commercial information, such as information about Services and Products you subscribe to and payment information you provide in connection with these transactions (including billing address and payment card data);
 - Professional information, such as your current or former employer and job title;
 - Preferences, such as how you prefer to communicate with us, Services and Products that you are interested in, or other preferences you communicate to us; and
 - Other information you provide, such as information in emails or other communications that you send to us or otherwise contribute (e.g., customer support inquiries, Virtuozzo blog or forum posts).
- **Information that we collect automatically**

When you visit our website and/or use our Products or Services, we may collect certain information automatically from your device (e.g., information like your IP address, device type, unique device identification numbers, browser-type, broad geographic location (i.e., country or city-level location) and other technical information) through the use of cookies or similar tracking technology. We may also collect information about how your device has interacted with our website and/or products, including the pages accessed and links clicked. In some countries, including countries in the European Economic Area, this information may be considered **Personal Data** under applicable data protection laws.

The Personal Data we may obtain through cookies includes:

- Unique identifiers, such as IP address, browser type, operating system, the pages you view on the websites, the pages you view immediately before and after you access the websites, and the search terms you enter on the websites, Internet or other electronic network activity information;
- General location data; and
- Inferences drawn from the above categories.

For more information about how we use cookies, the types of cookies we use, about similar tracking technology, and how to manage your cookie preferences, please refer to our “Cookies Policy”, and for more information about cookies please refer to “[Cookies and similar tracking technology](#)” below.

In some cases, your **Personal Data** will be supplemented by information retrieved from public sources, such as online media or employer websites, for the purpose of confirming your current professional position or address.

- **Personal Data Virtuozzo does not seek to collect**

Virtuozzo does not need special categories of personal information (also known as “sensitive personal information or data”), as defined by the GDPR, to provide its Products or Services.

Virtuozzo avoids collecting sensitive Personal Data from you through the Services, Products or otherwise. Unless Virtuozzo specifically requests it, please do not provide sensitive Personal Data to Virtuozzo. If you choose to provide Virtuozzo with unsolicited sensitive Personal Data, Virtuozzo will process it only as necessary to establish, exercise or defend legal claims. In the rare circumstances in which Virtuozzo does seek to collect sensitive personal data, Virtuozzo will do so in accordance with data protection laws and/or ask for your consent.

HOW WE USE YOUR DATA AND OUR LEGAL BASIS TO PROCESS YOUR DATA

We use the **Personal Data** primarily *to provide Products, Services and respond to requests we receive from you*. We use account-related data provided by customers to us in connection with the purchase, sign-up, use or support of customer account (such as usernames, email address and billing information) to provide you with access to our website, Products or Services, including the **Virtuozzo Hybrid Cloud** Services, to contact you regarding your use of our Products or Services or to notify you of important changes to our website, Products or Services. Such processing is necessary for the performance of the contract between you and **Virtuozzo**. When you ask for information about our Products or Services (for example, when you ask us to send you offers or price information), we will use your contact information to respond to your requests. Such processing is necessary to respond to or implement your request prior to entering into a contract with us. We process service data for Virtuozzo Hybrid Cloud Services on behalf of customers for the purpose of providing the **Virtuozzo Hybrid Cloud** Services to customers in accordance with our [VHC Terms and Conditions](#) or other applicable contract.

We also use the Personal Data for *communication purposes*, including to send you newsletters, promotions, surveys and other product-related information and to maintain our list of contacts. We will send you such information only based on your prior consent, which is given at the time you provide us with the respective Personal Data. In such case, if you do not provide us with your consent to the processing of your Personal Data for communication purposes, we will not send you respective information. You may withdraw your consent to receive such communications at any time. Please note that we will continue to contact you via email to respond to your requests and regarding the provision of our Products or Services.

We use data relating to your use of the website, Products or Services to *analyze, administer, support and improve* your access to and use of the website, Products or Services, including fraud prevention. Collecting this information enables us to better understand the visitors who come to our website and/or use our Products or Services, where they come from, and what content on our website is of interest to them. We use this information for our internal analytics purposes and to improve the quality and relevance of our website, Products or Services to our customers and end users. We may also compile, anonymize and/or aggregate your Personal Data and other data and use such anonymized and/or aggregated

data for our business purposes, including sharing such data with affiliates and business partners. This aggregate information does not identify you, i.e. it is not considered Personal Data.

We also may use your Personal Data in other ways for which we provide specific notice at the time of collection and obtain your consent if required by applicable law. Additionally, we may anonymize or aggregate your information and use it for other purposes as permitted by applicable law.

OUR BASIS FOR USING YOUR DATA

If you access our Services or use our Products from the European Economic Area, our legal basis for collecting and using the Personal Data described above will depend on the Personal Data concerned and the specific context in which we collect it. When processing Personal Data for the purposes described in this Privacy Policy, we will rely on any consents you have provided in respect of direct marketing activities or in reliance on our legitimate interests this interest will normally be to conduct our business and communicating with you as necessary to provide our services to you and for our legitimate commercial interest, for instance, when responding to your queries, improving our Products or Services, or for the purposes of detecting or preventing illegal activities. We may have other legitimate interests and if appropriate we will make clear to you at the relevant time what those legitimate interests are.

Where we rely on legitimate interests to process Personal Data, we will balance our need to process that information with any risks such processing poses to your rights and freedoms.

SHARING AND DISCLOSURE

We do not sell or otherwise make your Personal Data available to third parties, although we may disclose your Personal Data to the following categories of recipients: to our group companies (including those in Bermuda, Cyprus, Germany, Japan, Russia, the United Kingdom, Ukraine, Mexico and the United States), third party services providers and partners who provide data processing services to us (e.g., to support the delivery of, provide functionality on, or help to enhance the security of our website and/or products), or who otherwise process Personal Data for purposes that are described in this Privacy Notice or notified to you when we collect your personal information (when they perform services on our behalf, mainly to maintain and support our IT systems).

We may also disclose your Personal Data to third parties including law enforcement bodies, regulatory, government agencies or other third parties in the following circumstances: (a) to undertake the activities listed above; (b) to conform to legal requirements or comply with legal process (including assisting in the investigation of suspected illegal or wrongful activity or to deal with any misuse of the product); (c) to sell, make ready for sale or dispose of our business in whole or in part including to any potential buyer or their advisers.

INTERNATIONAL DATA TRANSFERS

Use of our Products and Services sometimes involves cross-border transfers of Personal Data. Virtuozzo may transfer your Personal Data to the following countries: Bermuda, Cyprus, Germany, Japan, Russia, the United Kingdom, Ukraine, Mexico and the United States.

For cross-border transfers of Personal Data to jurisdictions not guaranteeing an adequate level of data protection, Virtuozzo uses appropriate safeguards to guarantee that your personal data be protected in accordance with this Privacy Policy and applicable data protection laws. These safeguards include implementing the European Commission's Standard Contractual Clauses (Art. 46 GDPR), adapted to satisfy Swiss law requirements if necessary, which may be read [here](#) and other valid mechanisms for transfers of personal data among our affiliates, data processors or third parties.

MEASURES TO KEEP YOUR DATA SAFE

We maintain reasonable and appropriate technical and organizational security measures to protect Personal Data from loss, misuse, unauthorized access, disclosure, alteration, or destruction in light of the risks inherent in processing this information. We regularly review our security policies and procedures to ensure our systems are secure and protected.

DATA RETENTION

We retain Personal Data we collect from you as long as we have an ongoing legitimate business need to do so (e.g., to provide you with a service you have requested or to comply with applicable legal, tax or accounting requirements). To determine the appropriate retention time for your Personal Data, we consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorized use or disclosure of your Personal Data, the purposes for which we process your Personal Data, and whether we can achieve these purposes through other means, as well as applicable legal requirements.

When we have no ongoing legitimate business need to process your Personal Data, we will either delete or anonymise it or, if this is not possible (e.g., because your Personal Data has been stored in backup archives), then we will securely store your Personal Data and isolate it from any further processing until deletion is possible.

YOUR RIGHTS

You may have rights with respect to your Personal Data conferred upon you by applicable law. Please consult the relevant section for further information about your available rights and means to exercise them.

If you are located in the European Economic Area or Switzerland, please see the [EU Privacy Policy](#).

If you are a California resident, please see the [California Privacy Policy](#).

IF YOU ARE LOCATED IN A JURISDICTION WITH DATA PROTECTION LAWS THAT OFFER YOU PRIVACY RIGHTS NOT DESCRIBED IN THIS PRIVACY POLICY, PLEASE CONTACT US AT privacy@virtuozzo.com. We respect your privacy rights and will do our best to accommodate your requests.

EU Privacy Policy

The data controller (i.e., the person who or entity that determines the purpose and means of processing) for the Personal Data collected pursuant to this Privacy Statement is Virtuozzo International GmbH, Vordergasse 59, 8200 Schaffhausen, Switzerland.

Under the General Data Protection Regulation (GDPR) and the Swiss Data Protection Act you have the following rights in relation to your Personal Data:

Right of access: You have the right to know if and what Personal Data we process about you and may request a copy of that Personal Data (along with certain other details). If you require additional copies, we may need to charge a reasonable fee.

Right to rectification: You are entitled to have incorrect or incomplete Personal Data about you corrected or completed. If we have shared your Personal Data with others, we will tell them about the rectification where possible. If you ask us, where possible and lawful to do so, we will also tell you with whom we shared your Personal Data so that you can contact them directly.

Right to erasure: You may ask us to delete your Personal Data. Under some circumstances we might not be able to delete your Personal Data (e.g. in case we are required to keep your Personal Data by law). If we have shared your Personal Data with others, we will inform them about the erasure where possible. If you ask us, where possible and lawful to do so, we will also inform you with whom we shared your Personal Data so that you can contact them directly.

Right to restrict processing: You may ask us to restrict or 'block' the processing of your Personal Data in certain circumstances, such as where you contest the accuracy of that Personal Data or object to the processing of it. We will tell you before we lift any restriction on processing. If we have shared your Personal Data with others, we will inform them about the restriction where possible. If you ask us, where possible and lawful to do so, we will also tell you with whom we shared your Personal Data so that you can contact them directly.

Right to object: You may ask us at any time to stop processing your Personal Data, and we will do so:

- if we are relying on a legitimate interest to process your Personal Data — unless we demonstrate compelling legitimate grounds for the processing; or
- if we are processing your Personal Data for direct marketing purposes.

Please note that the limitation or deletion of your Personal Data may mean that we will be unable to provide you our Products or the Services described above.

Right to data portability: You also have the right to receive your Personal Data in a machine-readable format and have the data transferred to another party responsible for data processing.

Rights in relation to automated decision-making and profiling: You have the right to be free from decisions based solely on automated processing of your Personal Data, including profiling, unless such profiling is necessary for entering into, or the performance of, a contract between you and us.

Right to withdraw consent: If we rely on your consent to process your Personal Data, you have the right to withdraw that consent at any time. To opt out of any received emails or other promotional communication, please unsubscribe by selecting “unsubscribe” at the bottom of a received e-mail or by contacting us as indicated in the “Contact Us”. This will not affect the lawfulness of processing based on your prior consent.

Right to lodge a complaint with the data protection authority: If you have a concern about our privacy practices, including the way we have handled your Personal Data, you can report it to the data protection authority that is authorized to hear those concerns.

EXERCISING YOUR RIGHTS

You may exercise your rights by contacting us as indicated in the “Contact Us” section below.

California Privacy Notice

This California Privacy Rights Notice (“**California Privacy Notice**”) explains privacy rights available to residents of the State of California as required by the California Consumer Privacy Act of 2018 (“CCPA”).

If this California Privacy Notice and any provision in the rest of our Privacy Statement conflict, then this California Privacy Notice controls for the processing of Personal Information of residents of the State of California. In CCPA, California residents are referred to as “consumers” and we refer to them in this California Privacy Notice as “**California Consumers**” and “**Personal Information**” means information that identifies, relates to, describes, is capable of being associated with or could reasonably be linked, directly or indirectly, with a particular California Consumer or household.

Our website collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device (“Personal Data”). In particular, we have collected the following categories of Personal Data from Consumers within the last twelve (12) months.

Category	Examples	Purpose
Identifiers	Name, postal address, email address, unique identifier, Internet Protocol address,	To provide you with information about the Products and Services that you request from us; to provide and deliver our Products and Services; to prevent

	account name, and similar identifiers.	fraudulent transactions; to maintain the security of the Virtuozzo infrastructure.
Commercial information	Products or services purchased, obtained, or considered; other purchasing or consuming histories or tendencies	To analyze the way in which Consumers are accessing and using our Products and Services so that we can perform necessary marketing activities; to further improve our website, Products and Services.
Internet or other similar network activity	Browsing history; search history; unique personal identifier; online identifier; Internet Protocol address; information on a consumer's interaction with a website, application, or advertisement	To analyze how our Customers and users access and use our website, Products and Services and to improve the consumer experience.
Geolocation data	Physical location or movements	To ensure the proper website experience is delivered; to analyze web traffic so as to conduct marketing activities.

In addition to the purposes stated above, we may use or disclose Personal Data obtained from you for one or more of the following business purposes:

- To fulfill or meet the reason you provided the Personal Data. For example, if you share your name and email address to receive information about our Products or Services, we will use that Personal Data to respond to your inquiry. If you provide your Personal Data to purchase our Products or Services, we will use that information to process your payment and provision the applicable our Products or Services that you purchased.
- To provide, support, personalize, improve, and develop our Site, your interaction with our website, Products or Services.
- To provide you with information that you request from us.
- To create, maintain, customize, and secure your Account or Platform.
- To prevent transactional fraud.

- As necessary or appropriate to protect the rights, property or safety of us, our Customers or others.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To deliver targeted content and relevant offerings, including event registrations, alerts, offers, and ads delivered through our Site and via email (with your consent, where required by law).
- For testing, research, and analysis of our website, Products or Services.
- To respond to valid law enforcement requests and as required by applicable law, court order, or governmental regulations.
- As described to you when collecting your Personal Data or as otherwise set forth in the CCPA.

CCPA offers California Consumers the following key privacy rights:

- You have the right to request information about categories and specific pieces of Personal Information that we have collected about you (see table above), as well as the categories of sources from which the Personal Information is collected, the purpose for collecting Personal Information and the categories of third parties with whom we share Personal Information.
- You have the right to request information about our disclosure for business purposes of your Personal Information to third parties.
- You have the right to request that we delete certain Personal Information that we have collected from you.
- If we offer a financial incentive or price or service difference in exchange for your Personal Information, we will notify you in advance before collecting your Personal Information for this purpose and explain how you can opt in to the financial incentive or price or service difference.
- You have the right to opt out of our sale of your Personal Information if and when we determine the purpose and means of processing of your Personal Information. (In CCPA, “**sale**” means transferring or making available Personal Information to third parties for monetary or other valuable consideration.) Sharing your Personal Information with our service providers is not a sale of your Personal Information because we make sure that our service providers are contractually obligated to use the Personal Information only to provide services to us and not to sell it. ***Note that Virtuozzo does not sell (within the meaning of CCPA) your Personal Information to third parties and accordingly, we do not provide you with information about how to opt-out of sale of your Personal Information. If this policy changes, we will notify you and provide you with information about how to opt out of sale of your personal data by us.***

- You have the right to not receive discriminatory treatment from us for exercising any of your privacy rights. That is, we cannot treat you differently for exercising any of these rights unless we demonstrate that the value of the Personal Information that you provide to us is reasonably relate to the difference in price or service that we offer.

EXERCISING YOUR RIGHTS

To exercise any of your available rights, please submit a request to us by:

- Calling us at [tel. number to be added]
- Sending an email to privacy@virtuozzo.com with the subject line “California Privacy Rights Request.”

CHILDREN

Virtuozzo does not intend to and not knowingly collect Personal Data from children under the age of 13. If you have reason to believe that a child under the age of 13 has provided Personal Data to Virtuozzo through this website, please contact us at privacy@virtuozzo.com and we will endeavor to delete that information from our databases.

COOKIES AND SIMILAR TRACKING TECHNOLOGY

We use cookies and similar tracking technology (collectively, “Cookies”) to collect and use personal information about you including to serve interest-based advertising. For further information about the types of Cookies we use, why, and how you can control Cookies, please see our [Cookie Policy](#).

LINKS TO OTHER WEBSITES AND SERVICES

The Services may include links to third-party websites and services that are not operated by us. When you click these links, you will be directed away from the Services. A link to a third-party website or service does not mean that we endorse it or the quality or accuracy of information presented on it. If you decide to visit a third-party website or service, you are subject to this third party’s privacy practices and policies, not ours. This Privacy Policy does not apply to any personal data that you provide to these other websites and services.

CHANGES TO OUR PRIVACY POLICY

We may change this Privacy Policy at any time. We will post all changes to this Privacy Policy on this page and notify you via appropriate means, where required by applicable law. By continuing to use the website and/or the Products or Services or providing us with information following such a replacement Policy being uploaded, you agree that you will be deemed to have agreed to be bound by the Privacy Policy as changed.

HOW TO CONTACT US

If you have any questions about how we process your personal data, please feel free to contact us at privacy@virtuozzo.com.