

SCO Cloud, LLC Privacy Policy
Effective August 1, 2011

This Privacy Policy applies to all services provided by SCO Cloud, LLC (the "*Services*"). SCO Cloud only processes personal information for the purposes described in this Privacy Policy. In addition to particular purposes described in more detail below, such purposes include:

- Providing the *Services*;
- Auditing, research and analysis in order to maintain, protect and improve the *Services*;
- Ensuring the technical functioning of systems;
- Protecting the rights or property of SCO Cloud or its users and customers; and
- Developing new services.

Information We Collect

We intentionally and explicitly collect certain information about you and your use of the *Services*.

- **Personal Information:** When you register for a SCO Cloud account, we ask you for personal information, such as a username, password, email address, company name and address, phone numbers and other appropriate information required for our system. We use this information only to enable the operation of your account, or to send you email related to operation of your account. If you opt-in to receive information about new features and *Services*, we may send you email for these purposes also.
- **Payment Information:** For some of the *Services*, we also request credit card or other payment account information, which we neither process nor store, but instead transmit directly and in encrypted form to our third-party credit card processing provider. The third-party provider may store this information, and we may use it indirectly through them to charge your account for the *Services*.
- **Cookies:** When you use the *Services*, we send one or more cookies – small files containing a string of characters – to your computer or other device that uniquely identifies your browser. We use cookies to maintain information about your active SCO Cloud session, but these cookies do not persist beyond the session.
- **Log and Usage History:** When you use the *Services*, we track operational behavior of your usage (including, without limitation, starting and stopping virtual machines, changes to virtual machine configurations and other commands available from our SCO Cloud interface). We also maintain server logs for our company website and for the software that operates the *Services*, and 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. We may use this information to diagnose problems, operate our system more efficiently, or to produce and publish aggregate statistics across customers.

- **Support and other Communications:** When you send email or other communications to SCO Cloud, we may retain those communications in order to process your inquiries, respond to your requests and improve our services. We may also adapt your inquiries to provide general questions and answers in the form of FAQs, discussion forum questions, or other formats, and we will remove all identifying and unique information prior to such publication.

Information To Which We Have Access

We have access to certain information about you and your use of the *Services* as a by-product of operating the *Services*.

- **Cloud Server Information:** When you use the *Services* to operate application software on cloud servers, the servers maintain information that you enter and/or that is applicable to your operation of the application, including without limitation data stored in a database, browser cookies, server logs, command line history, and the like. Because we only control and operate servers on your behalf, we do not have access to any of this information. Under normal operation, only our automated backup systems have access to this information. Since all your information is protected by secured access inside your virtual machines we can only access this information if you provide us with access.
- **Data Backups:** In some cases, the *Services* provide for data backups. These data backups are transmitted and stored on our data backup storage systems. We will never access or use your data backups for any purpose other than specifically upon your request to restore that data.
- **Limited Credit Card Information:** After you register your credit card through our credit card processing provider, we may subsequently have access to basic account information such as your name and expiration date, but never the credit card number nor the CVV or similar code. We use this information only to re-populate the credit card page to make changing your credit card information easier.

Information Security

We take appropriate security measures to protect against unauthorized access to or unauthorized alteration, disclosure or destruction of data. We restrict access to personal information to SCO Cloud employees, contractors and agents who are on a need to know basis for 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.

Applications, including open source applications, that you operate through the *Services* will run on cloud servers and may be subject to typical security risks of such applications and servers. We take reasonable precautions so as not to increase the inherent security risks of such applications and servers; however, assessment of the security risks of the application and the cloud service are your responsibility.

SCO Cloud processes personal information on cloud servers in the United States of America and in other countries. In some cases, we may process personal information on a server outside your own country.

Information Sharing

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

- We obtain your consent.
- We have contracted with a third party to process information on our behalf as a component of providing the *Services*. We require that these parties process such information in a manner consistent with this Privacy 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 harm to the rights, property or safety of SCO Cloud, its users or the public as required or permitted by law.

If SCO Cloud becomes involved in a merger, acquisition, or any form of sale of some or all of its assets, we will ensure the confidentiality of any personal information involved in such transactions and 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 number of users who installed a particular application, or the average duration of a particular process using SCO Cloud, so long as such information does not identify you individually.

Modification And Deletion Of Personal Information

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. We make good faith efforts to provide you with access to your personal information so that you can correct this data if it is inaccurate. If you close your account, we may retain your personal information for a reasonable amount of time to ensure an orderly shutdown of both the applicable *Services* and our business relationship with you, and may use this information to contact you if it is necessary for those purposes. We may subsequently delete your personally identifying information from our systems, but we may retain your usage information indefinitely (but without personally identifying information).

Choices For Personal Information

If we intend to use your personal information in any manner or for any purpose other than those described in this Privacy Policy, we will ask for your consent prior to such use and

will offer you an effective way to opt out of such use; provided, however, that this limitation will not apply to our inclusion or use of such information in aggregate form.

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, the *Services* may not function properly if your cookies are disabled.

You can decline to submit personal information to the *Services*, in which case SCO Cloud may not be able to provide those *Services* to you.

Other Sites

This Privacy Policy applies to SCO Cloud *Services* only. We do not exercise control over sites to which we link, including without limitation open source software project sites, software license sites, or other cloud service provider sites. These other sites may place their own cookies or other files on your computer, collect data or solicit personal information from you.

Changes To The Privacy Policy

Please note that this Privacy Policy may change from time to time. We will not reduce your rights under this Privacy Policy without advance notice. We will post any Privacy Policy changes on this page and, if the changes are significant, we will provide a more prominent notice on our website and in the software that operates the *Services*.

If you have any additional questions or concerns about this Privacy Policy, please feel free to send us email at support@scocloud.com, with the words "Privacy Policy" in the subject line.