

## Gandi Privacy Policy

**Last updated August 1, 2014 – Version 1.0**

Thank you for visiting our Privacy Policy. This policy applies to information collected on gandi.net and all affiliated websites that link to this Policy (collectively referred to herein as the "Sites", "Gandi", "we" or "us").

Gandi is strongly committed to protecting the privacy of those who entrust us with their personal information. Visitors to our Sites, our customers and all those who do business with us trust and expect that we will protect their personal information. We want you to know that we take the privacy, security and confidentiality of your information, including any personally identifiable information ("Personal Data" or "PII") extremely seriously. Accordingly, we take all commercially practicable and available precautions to ensure the security and confidentiality of Personal Data.

We also want you to know what information we collect, why and how we will treat it once collected. Finally, we want you to be able to have control over your Personal Data so that if you need to update or to correct your information or want to opt-out of receiving certain communications, you can do that easily. In short, this Privacy Policy is for you. Please read it carefully.

### CONSENT:

**BY ACCESSING THE SITES AND/OR CREATING A GANDI ACCOUNT OR ALLOWING SOMEONE TO USE THE SITES ON YOUR BEHALF, YOU ARE CONSENTING TO THE COLLECTION, USE, DISCLOSURE, TRANSFER AND STORAGE OF PERSONAL AND NON-PERSONAL DATA OR OTHER INFORMATION RECEIVED BY US AS A RESULT OF SUCH USE IN ACCORDANCE WITH THIS PRIVACY POLICY.**

### Your California Privacy Rights, Our Contact Info & Requests for Information

It is vitally important for you to keep your Personal Data accurate, current and complete at all times, as well as for you to be able to reach us should you have any questions or concerns regarding this privacy policy. If we are unable to address your issue immediately, we will respond as soon as possible.

Pursuant to Section 1798.83 of the California Civil Code, residents of California can obtain certain information about the types of PII that companies with whom they have an established business relationship have shared with third parties for direct marketing purposes during the preceding calendar year. In particular, that law provides that consumers may request a copy of the PII that we hold about you. Consumers may also request information regarding the categories of PII that have been shared with third parties, the names and addresses of those third parties and examples of the types of services or products marketed by those third parties. To request either a copy of the PII maintained by us about you or to request a copy of the information disclosure provided by us during the preceding calendar year pursuant to Section 1798.83 of the California Civil Code, please contact us via email at: [us-privacy@gandi.net](mailto:us-privacy@gandi.net), or by writing us at the below address. Please allow 30 days for a response.

**Gandi US, Inc.**  
Attention: Privacy  
121 2nd St. Ste 500  
San Francisco, CA 94105  
Phone: (410) 429-7400  
Fax: (410) 429-7400

### What Information Is Collected?

#### 1. Personal Data

We may collect Personal Data from users of the Sites in several instances. Some examples are as follows:

- We may collect your name, billing address, shipping address, email address, telephone number. This information is used to provide the products and services that you have ordered or requested and order confirmations (or other transactional information) and/or to provide customer service.
- We may collect information regarding the domain names that

you own or have owned. This information is used to provide the services that you have requested and to suggest additional services that we believe you may be interested in.

- We may collect your name, email address, mailing address, zip code, and date of birth if you create an account with us. This information will be used to help you keep track of your orders, to keep you updated about special offers, updates related to the Sites and any of the Gandi Contracts or other agreements which are applicable to the products or services you have purchased or to which you have subscribed, and to facilitate checkout during purchases.
- We may collect your email address if you sign up to receive promotional emails from us. This information may be used to contact you about sales, special offers and new features available through the Sites.
- We may collect your name, telephone number, mailing address, zip code, and email address if you contact us with a question or request customer support from us. This information may be used so that we can respond to your question or contact you regarding your request.
- We may collect your name, email address, and other contact information if you participate in a promotion (e.g., contest, sweepstakes) that we sponsor. This information will be used to fulfill the terms of the promotion and to contact you regarding promotional and special offers, sales, and new features available through the Sites. It will also be subject to the terms accompanying such promotion.
- We may collect your name, age, zip code, purchasing habits, email address and/or mailing address if you choose to participate in one of our on-line surveys. This information will be used to help provide us with relevant information about our customers.
- We may collect and maintain more extensive PII (including driver's license numbers, passport numbers, social security numbers, etc.) if you are purchasing a Gandi SSL Certificate, as we are required to review proof of identification and related documentation to verify your identity in order to issue you the Gandi SSL Certificate for which you are applying.
- We may collect and maintain more extensive PII (including driver's license numbers, passport numbers, social security numbers, etc.) if you are purchasing some extensions (domain

names) which require supporting documentation.

Of course, you can update your information or change your preferences regarding receiving announcements and other information from us at any time by accessing your account via the Sites. (For more information, see below section entitled *How Can I Access, Correct and Update My Personal Information?*)

The above section provides examples of the Personal Data that we may collect through the Sites and the manners in which we may use such Personal Data. If you do not want us to collect your Personal Data, please do not provide it to us.

## 2. Non-Personal Data

You do not need to create an account with us to use the Sites. When you use the Sites, including by browsing our merchandise and/or contacting us with inquiries, we collect certain non-identifiable information ("Non-Personal Data"). The Non-Personal Data we collect includes, without limitation, Internet Protocol (IP) addresses, Internet browser information, other characteristics of your device and software, domain names of your Internet Service Provider (ISP), your approximate geographic location, a record of your usage of our Sites, the time of your usage and aggregated Personal Data that cannot be used to specifically identify you. Such information, which is collected passively using various technologies, cannot, in and of itself, be used to specifically identify you. This information is used to analyze and to improve the Sites (including to help diagnose and prevent problems with our servers or our products or services), to administer our Site and to provide our customers with the best experience using our Site. We also may receive certain Non-Personal Data (including, without limitation, of the types set forth above) from various third parties. The Non-Personal Data we receive from third parties may be combined with the information we collect as specified herein, including Personal Data. If Non-Personal Data is combined with Personal Data, it may be viewed as Personal Data. However, where the data remains non-personally identifiable, it will still be viewed as Non-Personal Data. We provide additional information on our Non-Personal Data collection below:

- Cookies and Other Session Identifiers:

Like many sites, we utilize a technology called "cookies". A cookie is a piece of information that is placed on your browser when you access the Sites. In many cases, the information collected using cookies (and related technologies) are used in non-identifiable ways, without any reference to Personal Data. For example, we use information we collect about users of the Sites to optimize our Sites and to understand traffic and usage patterns. In other cases, we associate the information we collect using cookies and related technologies with Personal Data. In that case, this Privacy Policy governs how we use that information. Additionally, if the settings on your location-aware device allow us to receive geo-location data or information, we may collect that information automatically. We also use tracking information to determine which areas our site users visit based on traffic to those areas. Gandi does not track what individual users read, but rather how often each page is visited.

Cookies help provide additional functionality to the Sites and help us to more accurately analyze usage of the Sites. For instance, the Sites may set a cookie on your browser that allows you to access the Sites during future visits. We use cookies to monitor and to maintain information about your use of the Sites. Cookies are also used to track the identity of the website you visited immediately prior to visiting the Sites; other than that, we do not track information about your use of other websites. Cookies also allow us to hold selections in a shopping cart when a user leaves the Sites without checking out. Cookies are not used on the Sites

to store your account information as this information is stored securely on a server. When you log in at the Sites with your username and password, we will assign you a secure session id. The server then passes your information to you through this secure session id. Cookies may be session cookies (i.e., last only for one browser session) or persistent cookies (i.e., continue in your browser until they are deleted or expire). Some of the cookies we use may be flash cookies or Adobe cookies. While they are harmless, they may contain demographic information and depending on your browser these cookies may not normally be deleted when your cookies are deleted. Please check your browser to determine where these types of cookies are stored and how they may be deleted.

While we recommend that you leave cookies turned on as they allow you to take advantage of some of the features of the Sites, you have the ability to control the use and moderation of our cookies. However, if you elect not to allow cookies to be placed as provided herein, you may not be able to use or to enjoy all of the services and features of the Sites. Specifically, you can configure the settings (i) to receive notifications when you are receiving new cookies, (ii) to disable cookies or (iii) to delete cookies. Please refer to your Web browser's help section for information on how to do this.

- Other Websites, Including Mobile Applications and Social Media Platforms:

If you use a social media platform or your mobile device (or other method of communication) to interact with the Sites, that platform or application may have a specific privacy statement that governs the use of Personal Data related to it. If you have questions about the security and privacy settings of your mobile device, please refer to instructions from your mobile service provider or the manufacturer of your device to learn how to adjust your settings. We do not control the data collection or privacy practices of any third-party platform through which you access the Sites or contact us. You should review the privacy policy and terms of use of any third-party site before using it and review and use available controls and settings on your device to reflect your preferences.

## How Can I Access, Correct and Update My Personal Information?

You can access, correct and/or update certain personal information that you have provided by logging into your Gandi Account with your Access Codes.

## How Do We Use the Information Collected?

### 1. Personal Data

We may use Personal Data as necessary and to fulfill your requests, including in the following ways:

Access and Use: If you provide Personal Data in order to obtain access to or use of the Sites or any functionality thereof, we will use your Personal Data to provide you with access to or use of the Sites or functionality and to monitor your use of the Sites or specific functionalities.

Internal Business Purposes: We may use your Personal Data for internal business purposes including, without limitation, to help us improve the content and functionality of the Sites, to better understand our users, to improve the Sites, to protect against, identify or address fraudulent activities, to manage your account and to provide you with customer service and to generally manage the Sites and our business.

Marketing: We may use your Personal Data to contact you for certain marketing and advertising purposes, including, without limitation, to inform you about offers, contests or surveys which may be of interest to you and to display content and advertising on

or off the Sites which may be of relevance to you. If you wish to change or update your Personal Data or to change your subscription preferences, you may do so as provided herein.

Specific Reason: If you provide Personal Data for a certain reason, we may use the Personal Data in connection with the reason for which it was provided. For instance, if you contact us by email, we will use the Personal Data you provide to answer your question or to attempt to resolve your issue and will respond to the email address from which the contact came.

Aggregated Personal Data: In an ongoing effort to better understand and to serve the users of the Sites, we (either directly or working in concert with our marketing services providers) may conduct research on our customer demographics, interests and behavior based on Personal Data and other information that has been provided or received by us. For example, we may combine information about visitors to the Sites to determine how best to target our marketing and the products and services that we offer in certain areas of the country. This research may be compiled and analyzed on an aggregate basis and this aggregate information does not identify you personally and is classified and treated as Non-Personal Data under this Privacy Policy.

### **Do We Share Your Information?**

We are not in the business of selling Personal Data. We consider this information to be a vital part of our relationship with you. We do not share with others, or sell or rent to others, any Personal Data provided to us through the Sites or through our Customer Service Department, except with your consent or as described in this Privacy Policy. Additionally, we seek to receive your consent before sharing your information. However, in some cases, your permission will be implied from the nature of the service requested or transaction undertaken. Examples of instances in which we share your Personal Data are provided below:

Order Fulfillment: If you choose to make a purchase on the Sites, we may collect from you billing address and other information related to such purchase, and we may use such collected information in order to fulfill your purchase. We may also provide such information, or other Personal Data provided by you, to unaffiliated third parties as necessary to complete your purchase.

Business Transfers: As with any business, it is possible that as our business develops, we might sell, assign, buy, transfer or otherwise acquire or dispose of certain businesses or corporate assets. In the event of such or similar event, Personal Data may be part of the transferred assets. You acknowledge and agree that any successor to or acquirer of us will continue to have the right to use your Personal Data and other information in accordance with the terms of this Privacy Policy.

Parent, Subsidiaries and Affiliates: We may also share your Personal Data with our parent company, subsidiaries and/or affiliates consistent with this Privacy Policy. Our subsidiaries and affiliates will be bound to treat and to maintain any Personal Data in accordance with this Privacy Policy.

Agents, Consultants and Related Third Parties: As noted above, we, like many businesses, sometimes engage other companies to perform certain business-related functions on our behalf so that we can focus on our core business. Examples of these services include, but are not limited to, payment processing and authorization, fraud protection and credit risk reduction, product customization, order fulfillment and shipping, marketing and promotional material distribution, website evaluation, data analysis and, where applicable, data cleansing.

In connection with services those partners provide for us, we may provide or otherwise give them access to certain Personal Data, but we authorize them to use this information only in connection

with the services they are retained to perform. We employ a vetting process to ensure that our partners adhere to exacting data security and privacy standards.

Legal Requirements: We may disclose your Personal Data if required to do so by law (including, without limitation responding to a subpoena or request from law enforcement, court or government agency) or in the good faith belief that such action is necessary (i) to comply with a legal obligation, (ii) to protect or defend our rights, interests or property or that of other customers or users, (iii) to act in urgent circumstances to protect the personal safety of users of the Sites or the public, or (iv) to protect against legal liability or potential fraud, as determined in our sole discretion.

Other uses: If we intend to use any Personal Data in any manner that is not specified herein, we will inform you of such anticipated use prior to or at the time at which the Personal Data is collected or we will obtain your consent subsequent to such collection but prior to such use. In short, we will honor the choices you make regarding your Personal Data and will inform you about any other intended uses of such information.

### **2. Non-Personal Data**

As noted above, Non-Personal Data does not and cannot be used to personally identify you. We may use such information for any lawful purpose, including sharing Non-Personal Data with our marketing partners, advertisers and others from time to time. Examples of such Non-Personal Data include the number of users who visited the Sites during a specific time period or purchased a specific product or service through the Sites. This information generally is shared in an aggregated form.

### **What Steps Are Taken To Keep My Information Secure?**

We have implemented information security measures that contain administrative, technical and physical controls that are designed to reasonably safeguard Personal and Non-Personal Data. Even though we have taken and will continue to take significant steps to protect this information, no company, including us, can fully eliminate all security risks associated with Personal Data.

We use various security measures, including Secure Socket Layer (SSL) encryption technology, to protect information collected, transferred and retained. If you elect to set up an account on the Sites, you will be asked to provide an email address and password. You must provide a valid email address and password in order to create and maintain an account, as well as to access account information. We recommend you select a password with at least 8 characters and consider adding numbers or special characters to further strengthen your password. In order to help protect your personal information, you should be careful about providing your password to others and change it periodically. If you wish to update a password, or if you become aware of any loss, theft or unauthorized use of a password, please contact us at [us-privacy@gandi.net](mailto:us-privacy@gandi.net).

Please be aware that we may store Personal Data or such information may be included in databases owned and maintained by our affiliates, agents or third party service providers. We take all commercially reasonable steps to protect the security and confidentiality of all Personal Data provided via the Sites from loss, misuse, unauthorized access, inadvertent disclosure, alteration and/or destruction.

However, no Internet or email transmission is ever fully secure or error free. In particular, email sent to or from the Sites may not always be secure. Please keep this in mind when disclosing any Personal Data via the Internet or by email.

We do not and will not, at any time, ask you to provide your Personal Data or other personal information in a non-secure or unsolicited email or telephone communication. Identity theft and

the practice currently known as "phishing" are of great concern to us. Safeguarding information to help protect you from identity theft is one of our priorities. If you receive such an email, please contact us to bring it to our attention. For more information about phishing, visit the Federal Trade Commission at <http://www.consumer.ftc.gov/articles/0003-phishing>.

### **What Choices Do I Have Regarding my Personal Data?**

You have several choices available when it comes to your Personal Data. We will honor the choices you make regarding your Personal Data. If you have created and maintained a Gandi Account on the Sites, you will be able to sign in and update your account (including contact) information. You may also write to us at the address provided herein and update your contact information or to change your subscription preferences. In addition, you may:

Limit the Personal Data You Provide: You can use the Sites and limit the Personal Data you provide either by disabling cookies or by not registering an account with us. If you choose to limit the Personal Data you provide and/or to disable cookies, you may not be able to use certain functionalities of the Sites. For instance, in order to purchase goods and services on the Sites, payment and shipping information must necessarily be provided.

Manage your Subscription Preferences: We may send you information by email if you subscribe via your Gandi Account. You further understand that consent is not a condition of purchase and that message and data rates may apply. Additional terms and conditions.

Please be aware that even if you opt-out of receiving future promotional communications, you may, if you utilize the eCommerce features of the Sites, be sent certain transactional communications related to the purchase or shipment of items purchased. Thus, if you order online, we will send you an email confirming your order and may need to contact you by phone, email or regular mail if we have questions about your order. Additionally, an opt-out will not remove you from messages that we are required to send under relevant laws or regulations.

Social Media & Other Public Platforms: You may also manage the sharing of certain Personal Data with us when you connect with us through a social media platform or application, such as through Facebook Connect. Please refer to the privacy settings of the social media website or application to determine how you may adjust your permissions and manage the interactivity between us and your social media platform(s) or application(s). When you post information to public forums, including publicly viewable social media platforms, that information will become available to all who access such platform pages. PLEASE BE EXTREMELY CAREFUL WHEN DISCLOSING ANY INFORMATION IN CHAT ROOMS, FORUMS AND OTHER PUBLIC POSTING AREAS. WE ARE NOT RESPONSIBLE FOR THE USE BY OTHERS OF THE INFORMATION THAT YOU DISCLOSE IN CHAT ROOMS, FORUMS AND OTHER PUBLIC POSTING AREAS.

Third Party Advertisers: We may use advertisers, third party ad networks, and other advertising companies, to serve advertisements on our Sites and on third-party websites. Please be advised that such advertising companies may gather information about your visit to our Sites (such as through cookies, web beacons and other technologies) to enable such advertising companies to market products or services to you, to monitor which ads have been served to your browser and which web pages you were viewing when such ads were delivered. If you would like more information about this practice and to know your choices

please visit:  
[http://www.networkadvertising.org/managing/opt\\_out.asp](http://www.networkadvertising.org/managing/opt_out.asp) or  
<http://preferences.truste.com/truste/>. PLEASE NOTE THAT THIS

POLICY DOES NOT COVER THE COLLECTION AND USE OF INFORMATION BY SUCH ADVERTISING COMPANIES.

### **What Happens When I Link To or From Another Website?**

The Sites may contain links to other websites not operated or controlled by us (the "Third Party Sites"). The policies and procedures set forth herein do not apply to any Third Party Sites. The owners and operators of all Third Party Sites are responsible for all Personal Data and Non-Personal Data provided, collected, maintained, stored or otherwise disclosed on those sites, if any. The links on the Sites do not imply that we endorse or have reviewed the Third Party Sites, including their privacy policies, if any. We strongly encourage contacting those sites directly for information on their privacy policies.

If you have accessed the Sites through a link from certain of our advertising or marketing partners, the Sites may include a frame of the applicable advertising or marketing partner. Nevertheless, the information you provide to us through these framed Web pages is collected by us, and our use of such information is governed by this Privacy Policy.

### **How Do We Respond to Do Not Track Signals?**

Please note that our Sites do not support "Do Not Track" browser settings and do not currently participate in any "Do Not Track" frameworks that would allow us to respond to signals or other mechanisms from you regarding the collection of your personal or non-personally identifiable information.

### **Is Information Collected From Children?**

Protecting the privacy of children is extremely important to us. The Sites are directed toward a general audience and are not directed at nor intended for use by children. We do not knowingly collect or intend to collect Personal Data from anyone who is under the age of 13. If you are under the age of 13, you should not provide any Personal Data to us and you should use the Sites only with the knowledge, permission and involvement of a parent or guardian. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce our Privacy Policy by instructing their children never to provide Personal Data through the Sites. If you have reason to believe that a child under the age of 13 has provided Personal Data to us, please contact us and we will endeavor to delete that information from our databases.

### **What if I Access the Sites from Outside of the United States?**

If you are visiting our Sites from outside the United States, please be aware that you are sending information (including Personal Data) to the United States where some of our servers are located. We have agreed to abide by the Safe Harbor Agreement between the United States and the European Union, with respect to personal data processed by United States companies as part of its regular business activities. This Safe Harbor Privacy Policy sets forth how Gandi US, Inc. handles personal data transferred from countries in the European Economic Area (EEA) to the United States that are collected or received in connection with of our business.

Otherwise, we will hold and process your Personal Data and Non-Personal Data in accordance with privacy laws in the United States and this Privacy Policy. Please note that privacy laws in the United States may not be the same as, and in some cases may be considered less protective than, privacy laws in other countries. Therefore, by providing your Personal Data, you consent to the use of your Personal Data for the uses identified in this Privacy Policy and to the transfer of your Personal Data to the United States as indicated above.

### **How Will I Be Informed About Changes Regarding This Privacy Policy?**

The Sites and our business may change from time to time. As a result (and for other business and/or technological reasons), it may be necessary for us to make changes to this Privacy Policy. We reserve the right to update, change, amend or modify this Privacy Policy at any time and from time to time without prior notice. Please review this policy periodically, and especially before you provide any Personal Data.

If we make any material changes to this Privacy Policy (as determined by us), we will post a notice on the Sites notifying users of the changes and providing an opportunity for you to take action relative to those changes prior to their implementation. In some cases, we also may send a notice via the Gandi Account or by email notifying registered users of upcoming changes.

This Privacy Policy was last updated on the date indicated above. Your continued use of the Sites after any changes or revisions to this Privacy Policy become effective shall indicate your agreement with the terms of such revised and then-current Privacy Policy.

#### **Arbitration; Claims Must be Brought on an Individual Basis**

By using this Sites, you agree that any dispute in any manner arising out of or relating in any way to this Privacy Policy, its enforcement or interpretation, or because of an alleged breach, default, or misrepresentation in connection with any of its provisions, shall be submitted to binding arbitration with Judicial Arbitration and Mediation Services, Inc. ("JAMS") in the San Francisco Bay/San Jose, California area. This arbitration provision is equally binding on claims brought by Gandi as on claims brought by you or others. Arbitrations will be conducted under the applicable JAMS rules. The parties to arbitration will have all the same claims, legal rights, and remedies in arbitration that would

be available in court. A single neutral arbitrator shall be selected in accordance with the JAMS Streamlined Arbitration Rules, which shall provide you a reasonable opportunity to participate in the arbitrator selection. The parties to arbitration will have full right to use legal counsel at their own expense. All costs of arbitration (including arbitrator fees) shall be paid by Gandi, except only that if you bring the arbitration, you may be charged an initial filing fee that shall not exceed the filing fees that you would incur for bringing an action in court. You will not be required to pay fees and costs incurred by the opposing parties if you do not prevail in arbitration. In arbitration, the parties may conduct reasonable discovery and shall reasonably exchange non-privileged information relevant to the dispute. The arbitrator's award shall be in writing and provide a written statement of the essential findings and conclusions. The arbitrator will not have the power to commit any error of law or legal reasoning, and the award may be vacated or corrected on appeal to a court of competent jurisdiction for any such error. As an exception to this arbitration provision, no one subject to the provision will be precluded from seeking remedies in small claims court for disputes or claims within the scope of its jurisdiction. Claims brought on behalf of or allegedly representing or including other persons or entities, including but not limited to any class, consolidated, representative, collective, or private attorney general action, shall be a "Class Action." Notwithstanding anything else in this Privacy Policy or the JAMS rules, any parties subject to this arbitration provision shall be barred from bringing or participating in any Class Action for a dispute covered by this arbitration provision. However, if these Class Actions restrictions are ever deemed illegal, they shall be severed from this arbitration provision. In that event, any Class Action shall be exempted from this arbitration provision and brought in court. This arbitration provision is subject to the Federal Arbitration Act, and may be enforced in any court of competent jurisdiction.

*-- end of the Privacy Policy --*

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