

**Your privacy is important to Leaseweb Australia PTY Ltd. ("Leaseweb Australia"). This Privacy statement informs you of Leaseweb Australia's practices as an IaaS cloud provider for unmanaged services (unless explicitly provided otherwise) with respect to the possible handling of your personal information while doing business with you ("Personal Data").**

**We may modify or amend this Privacy Policy from time to time. We will display a notice on our website indicating when any such revisions have been made. This Privacy Policy was last updated on March 1, 2024.**

#### **DATA PROTECTION LAWS**

Leaseweb Australia is regulated by the Privacy Act 1998 ("Privacy Act") and in certain circumstances may be regulated by international data protection laws, in particular the EU General Data Protection Regulation 2016/679/EU of ("GDPR"), both referred to as Privacy Acts.

#### **HOW LEASEWEB AUSTRALIA MAY COLLECT INFORMATION ABOUT YOU (INCLUDING IN OUR ROLE AS DATA CONTROLLER UNDER GDPR)**

Leaseweb Australia may collect your Personal Data, as received directly from you, when:

- You order a service from Leaseweb Australia.
- You enter a promotion run by Leaseweb Australia.
- You participate in a Leaseweb Australia survey.
- You subscribe to a Leaseweb Australia newsletter.
- You ask Leaseweb Australia for more information about a Leaseweb service, or contact Leaseweb Australia with a question, comment, or complaint.
- You submit an abuse notification to Leaseweb Australia.
- You use the Leaseweb Australia network, Leaseweb Australia infrastructure and/or other Leaseweb Australia services.

In addition, Leaseweb Australia may collect Personal Data as received from fraud-prevention agencies, referral partners, business directories and credit reference agencies.

#### **THE KINDS OF INFORMATION LEASEWEB AUSTRALIA MAY COLLECT ABOUT YOU (INCLUDING IN OUR ROLE AS DATA CONTROLLER UNDER GDPR)**

Leaseweb Australia may collect the following kinds of information about you:

- Your business contact person's name, address, phone number, email address, business and ID registrations that may include photo and personal identification numbers and such contact details of legally authorized representatives.
- Your Leaseweb Australia account information – such as the Leaseweb Australia services you ordered, domain name registration information, the IP addresses assigned to you, your customer ID, fees owed and received, the use of Leaseweb Australia services or any other information related to your account.
- Your contact with Leaseweb Australia – such as notes or recordings of any calls you make to Leaseweb Australia, chat records when you engage in a chat session with Leaseweb Australia, any emails or letters you send to Leaseweb Australia or other records of any contact you have with Leaseweb Australia.
- Information about your payment method, such as credit card number, bank account number or other banking information.
- Information provided by you to Leaseweb Australia when you notify Leaseweb Australia of a (suspected) breach of Leaseweb Australia's acceptable use policies.
- Video footage of you when you are in a Leaseweb Australia data center or the public space outside and inside our offices.
- Documents and information that certify your identity.

Where possible, Leaseweb Australia will allow you to interact with us anonymously or using a pseudonym. For example, if you contact Leaseweb Australia with a general enquiry, we will not ask for your name unless we need it to adequately handle your enquiry. However, for most of our functions and activities we usually need your name and contact information.

#### **WHY LEASEWEB AUSTRALIA COLLECTS, HOLDS, USES AND DISCLOSES YOUR PERSONAL DATA (INCLUDING IN OUR ROLE AS DATA CONTROLLER UNDER GDPR)**

Leaseweb Australia may collect, hold, use and disclose your Personal Data to:

- Process your Orders and Sales Contracts and provide services, which may include performing customer verification.
- Process of vendors contact details for the procurement of services, and communicating with vendors to provide information about services of Leaseweb Australia and affiliated entities.
- Conduct market research, retention and customer satisfaction surveys, (direct) marketing activities (including through email newsletters, social media and onsite/offsite and online/offline advertisement), sales activities including to make (personalized) offers and quotations and offer promotions.
- Communicate with customers, including to: (i) to provide information about services of Leaseweb Australia and affiliated entities, (ii) provide information about offers, Orders and Sales Contracts, provision of services, order status and payment, (iii) provide support and maintenance services, (iv) handle complaints, and (v) answer questions from (potential) customers.
- Perform financial processes, including to (i) calculate, invoice and collect service Fees, (ii) process financial transactions regarding the acceptance of Orders, and (iii) grant debt collection rights to third parties.
- Investigate creditworthiness and risk management, including to prevent overextending credit to (potential) customers and verify whether (potential) customers will be able to comply with financial obligations.
- Investigate and process suspected violations of Leaseweb Australia's Policies.
- Ensure the security of persons, goods and objects, and perform fraud detection.
- Conduct legal processes and comply with legal requirements, including in relation to legal proceedings, and evidence gathering processes, and complying with court orders.
- Comply with statutory obligations, including to (i) provide data to authorized authorities in the context of criminal investigations, and (ii) comply with applicable data retention obligations.
- Establish the identity of customers or third parties, including to provide access to data centers and our offices.

**SHARING YOUR PERSONAL DATA (INCLUDING IN OUR ROLE AS DATA CONTROLLER UNDER THE GDPR)**

Leaseweb Australia may share your Personal Data with:

- Its group affiliates including Leaseweb Global B.V. ("Leaseweb Global") for the purposes of financial, tax, sales, (direct) marketing and operational tools and services (including the websites [www.leaseweb.com](http://www.leaseweb.com), the Leaseweb Customer Portal and the Leaseweb API) that may be used to order or manage Leaseweb Australia Services or to communicate with Leaseweb Australia.  
Leaseweb Australia may share your Personal Data with Leaseweb Global, our parent company located in the Netherlands, in connection with these tools and services. Please review the Privacy Statement of Leaseweb Global on our website to learn about its practices with respect to the collection, storage, disclosure and use of your Personal Data.
- Suppliers (sub-processors) or agents involved in delivering the services you've ordered with Leaseweb Australia.
- Credit reference, fraud prevention or business scoring agencies, or other credit scoring agencies.
- Domain name registries when Leaseweb Australia registers a domain name on your behalf.
- Debt collection agencies or other debt recovery organizations.
- Leaseweb Australia may also disclose your personal information as permitted or required by law.
- A Leaseweb Australia customer, if you notify Leaseweb Australia that this customer's use of Leaseweb Australia services violates the Leaseweb Australia's Policies or applicable laws.

**RETENTION PROCEDURES**

Leaseweb Australia will store your Personal Data as long as necessary to perform the purposes of processing as stated in this Privacy Statement.

**LEGAL GROUNDS UNDER GDPR**

If GDPR applies, we may rely on the following legal bases to process your information (as described above, and as applicable):

1. **Performance of a contract:** the use of your information may be necessary to perform the contract that you have with us. For example, if you use our services, we will use your information to carry out our obligation to complete and administer that service under the contract that we have with you.
2. **Legitimate interests:** the processing is necessary for the purposes of the legitimate interests pursued by us, for example, information security. We also endeavour to provide you with suitable content through our website, emails and newsletters, to improve and promote our products and services, and to enhance our administrative functions, fraud detection and legal purposes.
3. **Consent:** For marketing advertisement (excluding operational communication as part of the services), you are free to withdraw your consent at any time.

**CONSENT TO RECEIVE DIRECT MARKETING EMAILS AND WITHDRAWAL OF CONSENT**

You are free to decide whether or not to share certain Personal Data (if any) with us for direct marketing purposes. However, if you decide not to provide certain Personal Data, or if you withdraw your consent thereto at a later moment, this may have affect how you experience our marketing for similar services. You are entitled to withdraw your consent by sending an email to the privacy email address listed below, or from direct marketing communication by opting-out from such communications. Upon receipt of your opt-out request, we will opt you out from the direct marketing list.

**ACCESS CONTROL BY DATA CENTERS**

Providers of data centers in the Australia are not part of the Leaseweb group. Some data centers may require you to use a personalized ID badge, other data centers may require you to use a biometric access control system to gain unescorted access to the data center.

Customer is aware that a data center is responsible for the physical access and control of its premises (as a Data Controller under the GDPR). Each data center is solely responsible for determining and executing its access control policies as indicated in their House Rules.

**TECHNICAL AND ORGANISATIONAL SECURITY PROCEDURES AND DATA TRANSFERS**

Leaseweb Australia uses appropriate business systems and security procedures to protect and safeguard the Personal Data that we hold. For example, network segmentation, next generation firewalls, anti-virus software, full disk encryption of end-points, encrypted communication via SSL or VPN, Security Information and Event Management solutions, security awareness training, secure disposal facilities, periodic pentesting of public facing services, secure development training, segregation of role-based access permissions (based on least-privilege), integrated security monitoring during development, and tools to enable employees to work securely (such as password managers).

Additionally, Leaseweb Australia applies technical and physical restrictions to any access and use of the Personal Data on our servers. For example, only authorized personnel are permitted to access Personal Data in the course of their work. Our business processes apply a series of security services consistent with the industry security standards.

**LEASEWEB AUSTRALIA IN ITS ROLE AS UNMANAGED IAAS CLOUD PROVIDER (UNLESS EXPLICITLY PROVIDED OTHERWISE) (DATA PROCESSOR)**

Any possible Customer Personal Data that is hosted, transmitted or processed on equipment you own (Co-location) or any possible Customer Personal Data hosted, transmitted or processed by Leaseweb Australia in the delivery of the services on your behalf, is governed by this paragraph for Leaseweb as Data Processor, and any actions performed by Leaseweb Australia in relation to such Personal Data shall be solely governed by the Sales Contract concluded between Leaseweb Australia and its customer.

The customer of Leaseweb Australia that owns the equipment (Co-location) or uses Leaseweb Australia services, determines the purposes and means of the processing of Personal Data and therefore is to be considered the Data Controller in regards to such processing whereby Leaseweb Australia has no logical access to such Personal Data.

**DATA RESIDENCY**

Your data hosted on your own infrastructure or on Leaseweb's infrastructure is located in Australia.

**DATA SOVEREIGNTY**

Leaseweb Australia has no possession, custody, or control over any Personal Data that is stored in the E.U. or that is controlled by other Leaseweb Sales Entities.

In our role as Data Processor under the GDPR, we offer to EU-based customers the [Standard Contractual Clauses](#) to enable the lawful transfer of Personal Data from the European Economic Area ("EEA") and Switzerland to other countries globally, unless such country is qualified with an Adequacy Decision. The Standard Contractual Clauses set out the Leaseweb Australia's commitment to privacy and data protection when processing information in connection with the provision of products and services to our EU-based customers and dealing with the transfer of Personal Data outside the EEA and Switzerland in connection with the provision of such products and services.

**DATA PROTECTION OFFICER**

Our Data Protection Officer ("DPO") registered with the Dutch supervisory authority under number FG008004 is positioned at our global headquarters in The Netherlands. This office serves as our international center of expertise for international data protection laws compliance, in particular GDPR compliance, effectively centralizing our connection with the Dutch supervisory authority as the permitted one-stop shop facility for the DPO. The DPO can be reached at: [privacy@au.leaseweb.com](mailto:privacy@au.leaseweb.com).

**YOUR RIGHTS**

In accordance with data protection laws, you have a number of rights regarding your Personal Data and the processing thereof:

- You can view and, if necessary, change your Personal Data in your account at any time.
- You can request the Personal Data processed about you.
- If you want to make changes to the Personal Data you have seen you cannot change in your account.
- You also have the right to obtain from us the erasure of your Personal Data ("Right to be Forgotten") in case and to the extent duly required and permitted.
- In addition, you may, under certain circumstances, have the right to restrict the processing of your Personal Data.
- You have the right to object, on grounds relating to your particular situation, at any time to collection of your Personal Data.
- You have a right to object against the processing of your Personal Data for direct marketing purposes (e.g., per electronic message, per phone or per mail) by making use of the opt-out button in communications emails and/or rejected the opt-in.
- You have the right to receive your Personal Data, which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller when the processing is based on your consent or is necessary for the performance of a contract.

If you have any requests regarding the abovementioned, please contact us using the privacy email address and contact details below. If we do not grant your request, we will inform you about the reason why.

**RIGHT TO LODGE A COMPLAINT WITH YOUR LOCAL SUPERVISORY AUTHORITY**

You have a right to lodge a complaint with your local supervisory authority if you have concerns about how we are processing your Personal Data. We ask that you please attempt to resolve any issues with us first, although you have a right to contact your supervisory authority at any time. If you make a complaint, we will endeavour to respond to it as soon as possible. If you are dissatisfied with our response, you have the right to make a complaint to the Office of the Australian Information Commissioner by phoning 1300 363 992 or by email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).

**STATEMENT CHANGES**

Leaseweb Australia may change this Privacy statement and will post any revisions on the Leaseweb website [www.leaseweb.com](http://www.leaseweb.com). Leaseweb Australia may modify or amend this Privacy Statement from time to time as our business practices and legal requirements evolve. If this Privacy Statement is modified, Leaseweb Australia will provide notice of the change by posting the updated Privacy Statement on our website. Leaseweb Australia advises you to check this page regularly to see if any changes have been implemented.

**CONTACT INFORMATION**

If you have any requests, questions, or suggestions about Leaseweb Australia's privacy practices, please send an email to [privacy@au.leaseweb.com](mailto:privacy@au.leaseweb.com).

**Leaseweb Australia PTY Ltd.** (ACN 620726516), is a private company with limited liability, incorporated under the laws of Australia with its address at Suite 2 Level 25, 100 Miller Street, North Sydney NSW 2060, Australia.