

# SAFE HARBOR CERTIFICATION

Safe Harbor certifies that Rackspace® provides "adequate" privacy protection by the standard of the European Commission's Directive on Data Protection. For Rackspace and you, it means that data can flow unhindered in and out of European Union (EU) countries, saving time and money by removing the obstacles encountered by non-Safe Harbor Certified providers.

The European Commission's Directive on Data Protection prohibits the transfer of personal data to non-European Union nations that do not meet the European "adequacy" standard for privacy protection. While the United States and the European Union (EU) both share the goal of enhancing privacy protection for their citizens, the United States and the European Union take differing approaches.

In order to bridge these different privacy approaches and provide a streamlined means for US organizations to comply with the Directive, the US Department of Commerce in consultation with the European Commission developed a "Safe Harbor" framework. The Safe Harbor - approved by the EU in July of 2000 — is an important way for US companies to avoid experiencing interruptions in their business dealings with the EU or facing prosecution by European authorities under European privacy laws. Certifying to the Safe Harbor will assure that EU organizations know that your company provides "adequate" privacy protection, as defined by the Directive.

**The Safe Harbor provides a number of important benefits to US and EU firms. Benefits for US organizations participating in the safe harbor will include:**

- All 25 Member States of the European Union will be bound by the European Commission's finding of adequacy
- Companies participating in the safe harbor will be deemed adequate and data flows to those companies will continue;
- Member State requirements for prior approval of data transfers either will be waived or approval will be automatically granted
- Claims brought by European citizens against US companies will be heard in the US subject to limited exceptions.

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