



RACKSPACE PRIVACY SHIELD NOTICE

Rackspace US, Inc. and its wholly-owned subsidiaries located in the US (collectively “Rackspace,” “our,” “we” or “us”) participate in the EU-U.S. Privacy Shield and the Swiss-U.S. Privacy Shield as set forth by the U.S. Department of Commerce.

The Privacy Shield Frameworks allows companies to self-certify with the U.S. Department of Commerce that they comply with several key privacy principles: Notice, Choice, Onward Transfer, Security, Data Integrity, Access, and Enforcement (the “Privacy Principles”). For companies that elect to self-certify, Privacy Shield allows transfers of data to the U.S.

Rackspace participates and has certified its compliance with the EU-U.S. Privacy Shield and Swiss-U.S. Privacy Shield Frameworks with respect to personal information within the scope of this Privacy Shield Notice. To learn more about the Privacy Shield programs, and to view Rackspace certifications, please visit <https://www.privacyshield.gov/list>.

This Privacy Shield Notice is supplemental to Rackspace’s corporate Privacy Statement (available at <http://www.rackspace.com/information/legal/privacystatement>).

DEFINED TERMS

Rackspace wholly-owned subsidiaries means Rackspace US, Inc.’s wholly owned subsidiaries ObjectRocket, LLC.

Personal Information is information that can be used to personally identify, locate, or contact you as an individual, such as your name, address, telephone number, email address, credit card and other financial information, and similar information. In some jurisdictions it includes information that identifies a legal entity, such as a company.

Services means hosting services, cloud computing and supplementary services, collectively.

SCOPE

This Privacy Shield Notice applies to Personal Information Rackspace knowingly ***collects*** from individuals and legal entities who reside in the European Union (“EU”) member countries, the European Economic Area (“EEA”), and Switzerland, as well as Personal Information that Rackspace receives from its subsidiaries located in the EU, EEA, and Switzerland.

When Rackspace collects Personal Information. Rackspace may collect Personal Information about its prospective and existing customers, employees, vendors, service providers, channel partners and other persons located in the EU, EEA, and Switzerland.

Rackspace uses this information to: (i) provide the Services to its customers (these purposes may include any of the following: processing service requests, negotiating contracts, handling orders, processing payments, communicating with customers about orders, services, promotional offers and marketing to such businesses, providing customer support, managing customer relationships, developing and improving the services, fraud detection and prevention, compliance with governmental, legislative and regulatory bodies, and investigating complaints about the use of the Services); (ii) manage relations with its vendors and service providers; (iii) carry out financial and other business operations; (iv) perform its own human resources functions; and (v) assist our affiliates located in the EU, EEA, and Switzerland in providing

services to their customers, to manage vendor relations and contracts, to manage human resources functions, and their internal financial and other business operations.

PRIVACY PRINCIPLES

Rackspace practices regarding the collection, storage, transfer, use, and other processing of Personal Information within the Scope of this Notice, follow the Privacy Principles and are further described below and in our Privacy Statement.

When Rackspace customers store, transmit or process personal information using the Services. When utilizing the Services, Rackspace customers may process personal information controlled by them (“Customer Data”). Consistent with the EU-U.S. Privacy Shield and Swiss Privacy Shield Frameworks, the extent to which we apply the Privacy Principles is limited when Rackspace customers use the Services to process Customer Data. Rackspace does not determine the Customer Data collected, stored, and transmitted by its customers using the Services and/or how Customer Data is classified, accessed, exchanged or otherwise processed. In these situations, it is Rackspace’s customers rather than Rackspace who decide the reasons for which the Customer Data will be processed.

Rackspace customers are solely responsible for determining the suitability of the Services in light of the type of Customer Data processed and shall implement appropriate measures to protect personal information they control and process when using the Services. Rackspace customers will remain responsible for compliance with applicable data protection principles and applicable local laws and regulations regarding the Customer Data, including for complying with the Privacy Principles regarding Customer Data that have originated in the EU, EEA, and Switzerland.

Rackspace provides the Services at the direction of its customers and defines its obligations with respect to Customer Data in its agreements with its customers. Rackspace also has in place an intercompany data processing agreement (in accordance with the standards of the EU Data Protection Directive), a signed copy of which can be found at www.rackspace.co.uk/legal/subprocessing/.

1. **Notice.** As described in our Privacy Statement, Rackspace will give you timely and appropriate notice describing what Personal Information we are collecting about you, how we will use it, and the types of third parties with whom we may share it. Generally, we provide this notice by posting our Privacy Statement, or by providing a specific privacy notice, at the point of collecting Personal Information.

2. **Choice.** When Rackspace collects Personal Information directly from individuals within the EU, EEA, and Switzerland via its websites or other means, it will do so pursuant to its Privacy Statement and, to the extent it is applicable and required by the EU-U.S. Privacy Shield and Swiss-U.S. Privacy Shield Frameworks, offer such individuals the choice to opt-out of having their Personal Information disclosed to a third party not listed in our Privacy Statement or used for a purpose other than that for which it was collected originally.

3. **Onward Transfer.** When disclosing Personal Information to third-party service providers who perform functions on its behalf, Rackspace takes appropriate measures to protect your privacy and the Personal Information it transfers as described in the Privacy Statement. In such event Personal Information will only be shared with third parties to the extent reasonably necessary for them to perform their services for Rackspace, or when Rackspace must comply with applicable law, and they will not be authorized to use it for any other purpose, unless you have consented to such disclosure.

4. Rackspace is responsible for the processing of Personal Information it collects, or receives from its EU and Swiss based affiliates, under the Privacy Shield Frameworks, and subsequent transfers to a third party acting as an agent on its behalf. Rackspace shall comply with the Privacy Shield Principles for all onward transfers of personal data from the EU and Switzerland, including the onward transfer liability provisions. In certain situations, Rackspace may be required to disclose Personal Information in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

Access. As described in our Privacy Statement, Rackspace offers individuals from whom it directly collects information reasonable access to their Personal Information and will afford such individuals a reasonable opportunity to correct, amend, or delete inaccurate information. Such requests may be subject to a reasonable fee.

If Rackspace receives a request for access to Personal Information from its customers' clients, Rackspace will, for commercial and security reasons, inform the customer and coordinate such access through its customer who controls such Personal Information.

5. **Security.** As described in our Privacy Statement, we are committed to industry best practices when it comes to preventing loss, misuse, unauthorized access, disclosure, alteration, and destruction of the information we collect for our own business purposes.

Our security practices regarding the Services are governed solely by our agreements with our customers and nothing contained in our Privacy Statement or this Privacy Shield Notice shall be construed to alter specific terms and conditions applicable to the Services. Our hosting services have been assessed by third party auditors in accordance with the ISO 27001 and SSAE 16 and ISAE 3402 compliance frameworks. The Rackspace Description of Controls is available to our customers.

Rackspace customers will remain responsible for implementing appropriate security measures for any personal information processed when using the Services in accordance with data protection laws applicable to them.

In addition to the obligations stated in our terms of service or any agreements our customers sign with Rackspace, customers who utilize the Services provided by Rackspace are responsible for ensuring compliance with applicable data protection laws relative to the use of the Services and are responsible to implement security measures appropriate to the nature and volume of data stored on or transferred to the hosted system provided by Rackspace.

Customers retain full administrative rights and control of the hosted system and are the system administrator on how the Customer Data is stored, classified or exchanged. Customers are processing the Customer Data on the hosted system remotely, have full access to log into the servers remotely, and may make changes to their hosted environment as needed, including but not limited to, uploading content, configuring software and security settings, adding or removing local users and changing passwords.

6. **Data Integrity.** If Rackspace collects information directly from individuals within the EU, EEA, and Switzerland, it will, to the extent it is applicable and required by the Privacy Shield Framework, and in accordance with its Privacy Statement, take reasonable measures to verify that personal information it collects is relevant and reliable for its intended use, and that it is accurate, complete, and current.

7. **Enforcement and Dispute Resolution.** Rackspace uses a self-assessment approach to assure compliance with this Privacy Shield Notice and its Privacy Statement, and periodically verifies that this Privacy Shield Notice and the Privacy Statement is accurate, comprehensive for the information intended to be covered, prominently displayed, completely implemented and accessible and in conformity with the Privacy Principles.

In compliance with the Privacy Principles, Rackspace commits to resolve complaints about your privacy and its collection or use of your Personal Information.

We encourage interested persons to raise any concerns using the contact information below and we will investigate and attempt to resolve any complaints and disputes regarding the collection, use, and disclosure of Personal Information in accordance with the Privacy Principles.

Individuals based in the EU, EEA or Switzerland who have inquiries or complaints regarding this Privacy Shield should first contact Rackspace at:

Rackspace US, Inc.
General Counsel
1 Fanatical Place
City of Windcrest,
San Antonio, Texas 78218

by email: privacy@rackspace.com

Rackspace has further committed to refer unresolved privacy complaints under the U.S.-EU and Swiss Privacy Shield Principles to an independent dispute resolution mechanism. If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third party dispute resolution provider (free of charge) at <https://feedback-form.truste.com/watchdog/request>. Under certain conditions, more fully described on the Privacy Shield website [<https://www.privacyshield.gov/article?id=How-to-Submit-a-Complaint>], you may invoke binding arbitration when other dispute resolution procedures have been exhausted.

If your personal information is collected and processed by a Rackspace customer, we encourage you to reach out directly to the customer.

LIMITATIONS

As described above, Rackspace's adherence to the Privacy Principles may be limited by its role as a cloud hosting service provider (namely, when Rackspace customers use the Services to process Customer Data), as well as any applicable legal, regulatory, ethical, or public interest consideration, and as expressly permitted or required by any applicable law, rule, or regulation. In addition, Rackspace reserves the right to disclose Personal Information reasonably related to the sale or disposition of all or part of its business.

RACKSPACE PRIVACY STATEMENT

Rackspace maintains a global Privacy Statement governing the privacy of information collected by Rackspace and its entities around the world through its websites and by other means, which can be viewed at <http://www.rackspace.com/information/legal/privacystatement>.

MODIFICATION OF THIS PRIVACY SHIELD NOTICE

Rackspace may amend this Privacy Shield Notice from time to time with or without notice in accordance with the Privacy Shield Principles. Any modified policy will be posted on our websites.

CONTACT INFORMATION

Questions, concerns, or complaints concerning the collection and subsequent use of Personal Information by Rackspace pursuant to this Privacy Shield Notice should be directed to the following address:

Rackspace US, Inc.
General Counsel
1 Fanatical Place
City of Windcrest
San Antonio, Texas 78218

Or by email: privacy@rackspace.com

If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third party dispute resolution provider (free of charge) at <https://feedbackform.truste.com/watchdog/request>.

PRIVACY LINKS

- [Rackspace Privacy Statement](#)
- [Rackspace Job Candidate Privacy Notice](#)
- [Rackspace Cookie Notice](#)
- [Rackspace Mobile Privacy Notice](#)