



## **HYVE'S PRIVACY NOTICE**

### **1. INTRODUCTION**

Welcome to Hyve's Privacy Notice.

- 1.1 Hyve Limited ('Hyve') respect your privacy and are committed to protecting it through our compliance with this Privacy Notice and all applicable data protection laws including, but not limited to, the EU Regulation 2016/679 as it forms part of the law of England and Wales under s.3 of the European Union (Withdrawal) Act 2018 (UK GDPR), the Data Protection Act 2018 (DPA), the Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011, the California Consumer Privacy Act 2018 (CCPA), and the California Privacy Rights Act 2020 (CPRA).
- 1.2 This Privacy Notice aims to inform you as to how we may collect from you, or you may provide to us, Personal Information in relation to Hyve Offerings and our practices for using, maintaining, protecting and disclosing that information.
- 1.3 **Hyve Offerings are not intended for children as we do not knowingly collect data relating to children.**
- 1.4 This Privacy Notice does not apply to:
  - (i) any Content processed, stored or hosted by any clients using Hyve Offerings; or
  - (ii) any products, services or content that are offered by third parties or have their own privacy notice/policy.
- 1.5 Regarding Section 1.4 (i) above, it is important that you read this Privacy Notice together with any other data protection, privacy and processing policy that we may provide on specific occasions when we are collecting or processing Personal Information about you so that you are fully aware of how and why we are using your data. This Privacy Notice supplements other notices and policies and is not intended to override them. If you are unsure of where to find any such applicable data protection, privacy and processing policy, please contact us.

### **2. DEFINITIONS**

**Affiliates** shall mean Hyve Managed Hosting Corp Inc incorporated in Delaware with EIN (Employed Identification Number) 36-4869486, and Hyve Managed Hosting GmbH incorporated and registered in Germany with company number HRB 266669.

**Aggregated Data** shall mean statistical or demographic data that does not directly or indirectly reveal your identity.

**Anonymous Data** shall mean data where all personal identifiers, both direct and indirect, that may lead to an individual being identified has been removed.

**External Third-Parties** shall mean any service providers, professional advisors, HMRC, regulators and other authorities.

**Hyve Offerings** shall mean Hyve's website, MyHyve, social media, marketing initiatives and any services we may provide.

**Internal Third-Parties** shall mean any companies within the Hyve Group.

**Legitimate Interests** shall mean the interest of Hyve in conducting and managing our business to enable us to give you the best and most secure experience.

- (i) We make sure we consider and balance any potential impact on you and your rights before we process your Personal Data for our Legitimate Interests.
- (ii) We do not use your Personal Data for activities where our interests are overridden by the impact on you, unless we have your consent or are otherwise required to do so by law.
- (iii) You can obtain further information about how we assess our Legitimate Interests against any potential impact on you in respect of specific activities by contacting us.

**Legal Obligation** shall mean any legal obligations that Hyve are subject to.

**Agreement Performance** shall mean processing your Personal Data where it is necessary for the performance of an Agreement to which you are a party or to take steps at your request before entering into such an agreement.

**Personal Data/Personal Information** shall mean any information about an individual from which that person can be identified. This does not include data where the identity has been removed (Anonymous Data).

**Special Categories of Data** shall include details about race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information regarding your health, genetic, biometric data and criminal convictions and offences.

### 3. THE INFORMATION HYVE COLLECTS

3.1 We use different methods to collect data from and about you, including through:

- (i) **Direct interactions** – you may give us your information by filling in forms or by corresponding with us. This includes Personal Data you provide when you:
  - (a) Apply for more information regarding our services;
  - (b) Subscribe to any of our publications;
  - (c) Give us feedback or contact us.
- (ii) **Automated technologies or interactions** – as you interact with our website, we will automatically collect Technology Data about your equipment, browsing actions and patterns. We collect this data about you by using cookies and other similar technologies. Please see our [Cookie Policy](#) for further details.
- (iii) **Third-parties or publically available sources** – we will receive Personal Data about you from various third-parties and public sources as set out below:
  - (a) Analytical providers;
  - (b) Advertising networks; and
  - (c) Search information providers.

3.2 We collect different kinds of Personal Data about you in the course of providing Hyve Offerings, which we have grouped together as follows:

- (i) **Identity Data** - such as first name, maiden name and last name.
- (ii) **Contact Data** - such as email address' and telephone numbers.
- (iii) **Financial Data** – such as bank account and payment details.
- (iv) **Transaction Data** – such as details surrounding payments to and from you and other details of services you may have purchased from us.
- (v) **Technical Data** - includes internet protocol [IP] address, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.



- (vi) **Profile Data** – such as your username, password, orders and requests made by you.
- (vii) **Usage Data** - such as information about how you use our website, products and Service.
- (viii) **Marketing and Communications Data** - includes your preference in receiving marketing from us and our third-parties and your communication preferences.

3.3 We also collect, use and share Aggregated Data such as statistical or demographic data. Aggregated Data could be derived from your Personal Data but is not considered Personal Data in law as this data will not directly or indirectly reveal your identity. For example:

- (i) we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature; however
- (ii) if we combine or connect Aggregated Data with your Personal Data so that it can be directly or indirectly identify you, we treat the combined data as Personal Data which will be used in accordance with this Privacy Notice.

3.4 We do not collect any Special Categories of Data about you.

3.5 Where we collect Personal Data by law, or under the terms of the agreement we have with you, and you fail to provide that data when requested, Agreement Performance may be affected. In this case, we may have to cancel a service you have with us, but we will notify you if this is the case at the time.

#### 4. HOW HYVE USE YOUR INFORMATION

4.1 We will only use your Personal Data when the law allows us to. Most commonly, we will use your Personal Data in the following circumstances:

- (i) For Agreement Performance;
- (ii) Where it is necessary for our Legitimate Interests and your interests and fundamental rights do not override those interests; or
- (iii) Where we need to comply with a Legal Obligation.

4.2 Generally, we do not rely on consent as a legal basis for processing your Personal Data, although we will get your consent before sending third-party direct marketing communications to you via email or text message.

4.3 You have the right to withdraw consent to marketing at any time by contacting us.

#### 5. PURPOSES FOR WHICH HYVE WILL USE YOUR INFORMATION

5.1 We have set out below, in table format, a description of all the ways we plan to use your Personal Data, which legal bases we rely on to do so and what our Legitimate Interests are.

5.2 Hyve may process your Personal Data for more than one lawful ground, depending on the specific purposes for which we are using your data.

| PURPOSE  | DATA                        | LAWFUL BASIS                                  |
|--|-----------------------------|---|
| To register you as a new customer.               | (a) Identity<br>(b) Contact | For the performance of an Agreement with you. |
| To process and perform your order, including to: | (a) Identity<br>(b) Contact | For the performance of an Agreement with you. |

|  |  |  |
|--|--|--|
| <ul style="list-style-type: none"> <li>- manage payments, fees and charges; and/or</li> <li>- collect and recover money owed to us.</li> </ul> | <ul style="list-style-type: none"> <li>(c) Financial</li> <li>(d) Transaction</li> <li>(e) Marketing and Communication</li> </ul>  | <p>For our Legitimate Interests to recover debts due to us.</p>  |
| <p>To manage our relationship with you, which shall include notifying you about changes to our terms or Privacy Notice.</p>                    | <ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Marketing and Communications</li> </ul>  | <p>Necessary to comply with our Legal Obligations.</p>   |
| <p>To administer and protect our business and this website.</p>  | <ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Technical</li> </ul>   | <p>Necessary for our Legitimate Interests for running our business, provision of administration and IT services, network security and to prevent fraud.</p> <p>Necessary to comply with Legal Obligations.</p> |
| <p>To deliver relevant website content and advertisement, as well as measure and understand the effectiveness of the advertising we serve.</p> | <ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Profile</li> <li>(d) Technical</li> <li>(e) Usage</li> <li>(f) Marketing and Communications</li> </ul> | <p>Necessary for our Legitimate interests to understand how our clients use our services in order to better improve and develop them.</p>  |
| <p>To use data analytics to improve our website, services, marketing, customer relationships and experiences.</p>                              | <ul style="list-style-type: none"> <li>(a) Technical</li> <li>(b) Usage</li> </ul>   | <p>Necessary for our Legitimate Interests to define types of customers for services, to keep our website updated, relevant and to develop our business.</p>  |
| <p>To make suggestions and recommendations to you about goods or services that may be of interest to you.</p>                                  | <ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Technical</li> <li>(d) Usage</li> <li>(e) Marketing and Communications</li> </ul>                      | <p>Necessary for our Legitimate Interests to develop our services and grow our business.</p>   |

## 6. MARKETING AND PROMOTIONAL OFFERS

- 6.1 We may use your Identity, Contact, Technical and Usage Data to form a view on what we think you may want or need, or what may be of interest to you.
- 6.2 You will receive marketing communication from us if you have requested information from us or have purchase services from us and you have not opted out of receiving that marketing.
- 6.3 We strive to provide you with choices regarding certain Personal Data uses, particularly around marketing and advertising.
- 6.4 We will get your express opt-in consent before we share your Personal Data with any third-party for marketing purposes.

## 7. OPTING OUT

7.1 You can ask Hyve or Third-Parties to stop sending you marketing emails at any time by following the opt out links on any marketing messages sent to you, or by contacting us at any time.

7.2 Where you opt out of receiving these marketing messages, this will not apply to Personal Data provided to us as a result of any service orders.

## 8. THIRD-PARTY LINKS

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third-parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice/policy of every website you visit.

## 9. COOKIES

9.1 You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies.

9.2 If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

9.3 For more information about the cookies we use, please see [here](#).

## 10. CHANGE OF PURPOSE

10.1 We will only use your Personal Data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.

10.2 If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

10.3 If we need to use your Personal Data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

10.4 Please note that we may process your Personal Data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 11. DISCLOSURE

11.1 We may share your Personal Data with the parties set out below for the purposes set out in Section 5 above:

- (i) Internal Third-Parties we use to help us run our business, eg website analytics or marketing.
- (ii) External Third-Parties we use to help deliver our products and services to you, eg payment service providers.
- (iii) Third-Parties to whom we may choose to sell, transfer or merge parts of our business or our assets.

Alternatively, we may seek to acquire other businesses or merge with them.

- i. If a change happens to our business, then the new owners may use your Personal Data in the same way as set out in this Privacy Notice.

11.2 We only allow those organisations to handle your Personal Data if we are satisfied they take appropriate measures to protect your Personal Data.

- (i) Additionally, we impose contractual obligations on them to ensure they can only use your Personal Data to provide services to us and to you.

11.3 We or the third parties mentioned above occasionally also share Personal Data with:

- (i) Our/ their external auditors, eg in relation to the audit of our/their accounts, in which case the recipient of the information will be bound by confidentiality obligations.
- (ii) Our/ their professional advisors (such as lawyers and other advisors), in which case the recipient of the information will be bound by confidentiality obligations.
- (iii) Law enforcement agencies, courts, tribunals and regulatory bodies to comply with our legal and regulatory obligations.

## 12. DATA LOCATION AND TRANSFERS

12.1 Client may select where certain data will be stored and Hyve can store it there in accordance with their applicable Service Agreement. If Client wishes to store data outside of the US, please be aware that the jurisdiction specific Privacy Notice will apply.

12.2 You understand that:

- (i) you are accessing a Site that is based in the United Kingdom;
- (ii) you are providing Personal Information to a company located in the United Kingdom with Affiliates elsewhere; and
- (iii) Hyve must adhere to the laws of the United Kingdom and other applicable countries where our Affiliates are incorporated.

12.3 You agree that Personal Information collected on our Site may be stored and processed in the United Kingdom or any other country in which Hyve and its Affiliates maintain facilities, and while in such jurisdictions, may be subject to access pursuant to the laws of those jurisdictions.

12.4 We do not share any of your Personal Data outside of the UK.

## 13. DATA SECURITY

13.1 We have put in place appropriate security measures to prevent your Personal Data from being accidentally lost, used, accessed in an unauthorised way, altered or disclosed.

13.2 We limit access to your Personal Data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your Personal Data on our instructions and they are subject to a duty of confidentiality.

13.3 We have put in place procedures to deal with any suspected data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## 14. RETENTION OF PERSONAL INFORMATION

- (i) Hyve keeps your Personal Data to enable your continued use of Hyve Offerings for as long as it is required in order to fulfil the relevant purposes described in this Privacy Notice, as may be required by law or as otherwise communicated to you.
- (ii) How long we retain specific Personal Data varies depending on the purpose for its use and we will delete your Personal Data in accordance with applicable law.



- (iii) As standard, if you stop using/deactivate your account we will delete or anonymise your account data after 7 years.
- (iv) Any anonymised data will only be kept for Legitimate Purposes.
- (v) For job applicants, if your application for employment is unsuccessful, Hyve will hold your Personal Data on file for 2 years after the end of the relevant recruitment process for legal/ audit reasons. For more information, please see our [Job Applicant Privacy Notice](#).

## 15. ADDITIONAL RIGHTS

### 15.1 Right to Access

- (i) You have the right to ask whether we hold Personal Information about you and to request copies.
- (ii) You can contact Hyve and request information such as:
  - (a) Your name, email address, physical address, phone number and other similar contact information;
  - (b) Usernames, aliases, roles and other authentication/security credential contact information; and
  - (c) Your purchase, usage, tax, billing and payment history.
- (iii) We may decline to process requests that Hyve find to be frivolous or vexatious or that we may consider jeopardize the privacy of others, are extremely impractical or for which access is not otherwise required by law.

### 15.2 Right to Data Portability

- (i) The right to receive the Personal Data you provided to us, in a structured, commonly used and machine-readable format and/or transmit that data to a third party—in certain situations.

### 15.3 Right to Rectification

- (i) You shall have the right to have your information rectified as a result of inaccurate, incomplete or out of date Personal Data.

### 15.4 Right to Objection of Use

- (i) The right to object:
  - a. at any time to your Personal Data being used for direct marketing
  - b. in certain other situations to our continued use of your Personal Data, (eg where we use your Personal Data for our Legitimate Interests unless there are compelling legitimate grounds for the processing to continue or the processing is required for the establishment, exercise or defence of legal claims).

### 15.5 Right to Restrict

- (i) Your right to require Hyve to restrict the use of your Personal Data in certain circumstances, eg if you contest the accuracy of the data.

### 15.6 The Right to Erasure

- (i) This is your right, subject to certain limitations under applicable law, that your Personal Information be erased from our possession (also known as the “Right to be Forgotten”).
- (ii) You may request the deletion of Personal Information that is no longer necessary for the purposes underlying the processing, processed based on withdrawn consent or processed in non-compliance with applicable legal requirements.



#### 15.7 Right to Withdraw Consent

- (i) If you have provided us with a consent to use your Personal Data you have a right to withdraw that consent easily at any time.
- (ii) You may withdraw consents by emailing [legal@hyve.com](mailto:legal@hyve.com) or [compliance@hyve.com](mailto:compliance@hyve.com).
- (iii) Withdrawing a consent will not affect the lawfulness of our use of your Personal Data in reliance on that consent before it was withdrawn.
- (iv) In certain circumstances, withdrawing consent will affect our ability to provide effective Agreement Performance.

15.8 In addition to the rights described in this Privacy Notice, you may have additional Personal Information protection rights pursuant to applicable information protection legislation in your state, country, or region. Please consult the appropriate authority for more information on your rights.

15.9 If you wish to exercise any of these rights, please contact [legal@hyve.com](mailto:legal@hyve.com) or [compliance@hyve.com](mailto:compliance@hyve.com) for further details.

#### 16. CALIFORNIA CONSUMER PRIVACY ACT (CCPA)

16.1. Throughout our business, Hyve is committed to the lawful treatment and confidential handling of sensitive information, including personal information about California residents. Therefore, Hyve has a set of universal information management policies including information classification, privacy and data protection, data security, access controls and other pertinent policies and principles guiding the collection, use, disclosure, transfer, retention and deletion of information.

16.2. Hyve is a "Service Provider" as defined under the CCPA. As such, we will not sell, retain, use or disclose Personal Information for any purpose other than as set out in an agreement with our client or as otherwise permitted or required by the CCPA.

#### 17. SOCIAL MEDIA

16.1 We operate a number of social media accounts including, but not limited to, Facebook, Twitter, LinkedIn, YouTube and Instagram.

16.2 This Notice covers how we will use any data collected from those pages, but it does not cover how the providers of social media websites themselves will use your information.

16.3 Please ensure you read that applicable privacy notice/policy of the social media website before sharing data and make informed use of the privacy settings and reporting mechanisms to control how your data is used and its visibility.

#### 18. WHAT WE MAY NEED FROM YOU

We may need to request specific information from you to help us confirm your identity and ensure your right to access Personal Data or to exercise any of your other rights. This is a security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.





## 19. CHANGES TO PRIVACY NOTICE

We keep our Privacy Notice under regular review and it is our commitment to post any changes we make to our Privacy Notice on this page. Any changes to this Notice will become effective upon posting of the revised Notice on our Site. If we make any material changes to this Notice or how we treat our users Personal Information, we will notify you by email to the primary email address specified in your account. You are responsible for ensuring we have an up-to-date active and deliverable email address to you and for periodically visiting our Website and this Privacy Notice to check any changes. Use of the Site, or Hyve Offerings, will constitute your acceptance of the revised Notice then in effect. The date the Privacy Notice was last revised is identified at the top of the page alongside a link to historic versions.

## 20. CONTROLLER

19.1 For the purposes of this Privacy Notice, Hyve is the controller and processor for the Personal Data we collect.

## 21. CONTACT DETAILS

If you have any questions about this Privacy Notice or our privacy practices, please contact:

Hyve Managed Hosting  
1 Circus Street  
BN2 9AS Brighton, UK  
Phone: +1 888 708 5581 or 0800 612 2524  
Email: [legal@hyve.com](mailto:legal@hyve.com) or [compliance@hyve.com](mailto:compliance@hyve.com)  
Website: [www.hyve.com/en-us](http://www.hyve.com/en-us)

You have the right to make a complaint at any time to your applicable national privacy authority. Hyve is committed to coordinating and collaborating with any applicable privacy authorities to ensure your rights are protected.

However, we would appreciate the chance to deal with your concerns before you approach a privacy authority, so please contact us in the first instance.