

UK and EU General Data Protection Right Compliance Policy

1. If you are a UK or EU resident, under the UK and EU General Data Protection Right (**GDPR**) you may have certain privacy rights in addition to those provided in our privacy policy and customer relationship agreement.
2. Our privacy policy is located at https://www.serversaustralia.com.au/assets/pdfs/Servers_Australia_Privacy_Policy.pdf and our customer relationship agreement is located at https://www.serversaustralia.com.au/assets/pdfs/Customer_Service_Agreement.pdf.
3. This compliance policy outlines your rights and our obligations under the GDPR.
4. This compliance policy adopts the defined terms of the GDPR, unless otherwise specifically stated.
5. Our data protection officer can be contacted at dpo@serversaustralia.com.au

Data Processor

6. At all times, unless agreed otherwise, you agree that we are a data processor in respect of the GDPR and that we act on behalf of data controllers to process data which is subject to the GDPR.

Data Subject Rights under the GDPR

7. As the data subject, as defined in the GDPR, you have several rights with respect to our handling of your information. These are the right to:
 - 7.1. request information about whether and which personal data is controlled or processed by us, and the right to demand that personal data is rectified or amended;
 - 7.2. request that personal data should be deleted;
 - 7.3. demand that the processing of personal data should be restricted;
 - 7.4. withdraw your consent to the processing and use of your data completely or partially at any time with future application;
 - 7.5. have the right to obtain your personal data in a common, structured and mechanically readable format;
 - 7.6. contact our data protection officer if there are any questions, comments, complaints or requests in connection with our statement on data protection and the processing of your personal data; and
 - 7.7. complain to the responsible supervisory authority if believed that the processing of your personal data is in violation of the legislation.

Servers Australia Pty Ltd

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Data Security

8. We will implement appropriate technical and organisational measures to protect the data subject's personal data. these measures may include, among other measures:
 - 8.1. the pseudonymisation and encryption of personal data;
 - 8.2. the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;
 - 8.3. the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident; and
 - 8.4. regular testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.

Controller Only

9. In addition to the rights and obligations in clauses 5 to 7, and in the event we are a controller:
 - 9.1. we will notify the supervisory authority within 72 hours of a breach if there is a high risk to data subjects and if appropriate notify the data subject;
 - 9.2. we will ensure that the personal data is processed lawfully and in a transparent manner to the data subject
 - 9.3. we will ensure that the data collected and processed for specific purposes, and not in a manner incompatible with original purposes;
 - 9.4. we will ensure that the collected data is accurate and up-to-date;
 - 9.5. we will ensure that we are able to demonstrate compliance by reference to this compliance policy and the GDPR;
 - 9.6. we will make available to the data subject:
 - 9.6.1. the identity and the contact details of the controller and, where applicable, of the controller's representative;
 - 9.6.2. the contact details of the data protection officer, where applicable;
 - 9.6.3. the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;
 - 9.6.4. the categories of personal data concerned;
 - 9.6.5. the recipients or categories of recipients of the personal data, if any;
 - 9.6.6. the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;
 - 9.6.7. details of any recipients who will receive the data and how data will be protected with onward transfer;
 - 9.6.8. our and any processor's legitimate interests exist in collecting and processing the data;
 - 9.6.9. the data retention periods or the criteria used to determine retention periods;
 - 9.6.10. the use of automated decision-making.
 - 9.7. if we engage any processors:
 - 9.7.1. only use processors who can comply with the GDPR;
 - 9.7.2. only use processors which can appropriately protect data subject person data;

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- 9.7.3. we will describe subject matter, duration, and nature of processing activity;
- 9.7.4. we will describe the nature and purpose of processing;
- 9.7.5. we will describe the types of personal data being processed; and
- 9.7.6. we will describe categories of data subjects being processed,
- 9.8. on request we will provide evidence demonstrating our implementation of the principles of data minimization, and data protection by design and default, where appropriate;
- 9.9. we will conduct privacy impact assessments on any processing activities that are likely to pose risk to the data subject;
- 9.10. we will retain records of the processing activities which will include:
 - 9.10.1. our name and contact information and our data privacy officer, or our EU representative, if applicable.
 - 9.10.2. the categories of data subjects, categories of personal data, and recipients of the data;
 - 9.10.3. the lawful basis for any data transfers and describe safeguards which will protect the data;
 - 9.10.4. any data retention timeframes, if applicable; and
 - 9.10.5. the lawful basis for data processing activities.

Processor Only

- 10. In addition to the rights and obligations in clauses 5 to 7, and in the event we are a Processor:
 - 10.1. we will inform the controller without undue delay upon learning of a breach;
 - 10.2. only process the personal data on documented instructions from the controller;
 - 10.3. ensure that all individuals authorized to process the Personal Data have committed to confidentiality agreements;
 - 10.4. assist the controller:
 - 10.4.1. with handling data subject access rights requests;
 - 10.4.2. assist the controller with obligations around security and requests from supervisory authorities;
 - 10.4.3. with their compliance obligations;
 - 10.4.4. with audits initiated by the controller or the responsible supervisory authority, and contribute where required,
 - 10.5. provide information on the safeguards which will protect the personal data that is outside the European Economic Area;
 - 10.6. delete or return all personal data upon controller request or requirement;
 - 10.7. only engage sub-processors upon approval of controller;
 - 10.8. only engage sub-processors which meet the obligations required by the controller;
 - 10.9. maintain records of all categories of processing activities carried out on behalf of a controller and make such records Supervisory Authority on request. The recorded information will include:

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- 10.9.1. the name and contact details of the processor or processors and of each controller on behalf of which the processor is acting, and, where applicable, of the controller's or the processor's representative, and the personal data protection officer;
- 10.9.2. the categories of processing carried out on behalf of each Controller;
- 10.9.3. where applicable, transfers of personal data to a third country or an international organisation, including the identification of that third country or international organisation and, where applicable, the documentation of suitable safeguards; and
- 10.9.4. where possible, a general description of the technical and organisational security measures used to protect the personal data.

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