

## CUSTOMER DATA PRIVACY AT HCLSoftware

At HCLSoftware, maintaining our customers' trust is an essential ingredient of our success. We know that the way we protect and secure the personal information provided to us by our customers is of critical importance in gaining that trust. It is for this reason that we have implemented extensive security and privacy measures around the protection of customer data. This document is intended to provide our customers with information about how personal data is handled at HCLSoftware. You should also refer to any product-specific information, as available. Much of what you will read here is already included in our [Data Processing Addendum](#) that we enter into with customers where appropriate.

HCLSoftware is committed to complying with all applicable data privacy laws, including the GDPR, when we provide products and services to our customers. Of course, privacy obligations are not all about the software, and our customers have an obligation to assess whether their use of the software is appropriate for the personal data that is being processed. As customers assess their own privacy compliance, this document may provide helpful information.

**Personal Data processed using HCLSoftware:** Customers use our software in different ways and for different purposes. The customer is the one who determines what data is processed and how it is used, and is therefore generally considered the "data controller." HCLSoftware's access and use of the personal data is generally on behalf of and under the instruction of the customer, and therefore HCLSoftware is considered the data processor. In accordance with our Data Processing Addendum, HCLSoftware and its affiliates and subprocessors may access personal data under the customer's direction to provide the services under our agreement with our customer and to provide support and assistance in its use, or as may otherwise be required by law. It is for this reason that HCLSoftware is not able to provide a list of all of the personal data that is processed. As a general rule, however, our software is not designed to process "special categories of Personal Data" as defined in the GDPR or data that is considered highly sensitive under other privacy regulations. To the extent that our customers provide such personal data in the software, it is the customer's responsibility to ensure

that this use complies with all applicable laws.

As the data controller, it is our customer's responsibility to ensure that all individuals whose data is processed in the software are aware of how that data is being used. HCL Software provides customers with the ability to provide its own privacy notification, where appropriate. Any personal data processed by HCLSoftware for its own purposes is covered under our [Privacy Statement](#).

**Individuals' Rights:** Under the GDPR and other privacy laws, individuals have certain rights with respect to their personal data based on their location, including the right of deletion, access, portability and rectification. Companies that process this personal data are required to respond to these requests and comply where they are applicable. For most of our products, we enable our customers (as the data controllers) to manage the personal data that is provided by them in the HCL solution. This way the customer can respond directly to any individual requests. For those solutions in which the customer is unable to fulfill the individual request directly, HCLSoftware will assist with the response where possible. If HCL receives a request from an individual exercising his/her rights to personal data for which the customer is a data controller, HCL will promptly notify the customer and will assist with the request, if appropriate. Where HCL Software processes personal data as a data controller, the individual may exercise his or her rights, where applicable, by following the instructions in our [Privacy Statement](#).

**Access to personal data by HCL employees:** Access to personal data is sometimes necessary or useful in order for HCLSoftware to provide our customers with the support and services they are procuring from us. All HCL employees who may access customer data are required to take privacy and security training and are bound by confidentiality obligations.

**Locations where Personal Data is stored or accessed; Subprocessors:** HCLSoftware affiliates may access personal data for purposes of providing support and services for our customers. We also use subprocessors to assist us in providing those services. Before providing access to our customer information to any third party, we take steps to ensure that it will be handled appropriately and securely. We also enter into written agreements with each such subprocessor which provide equivalent protection as those

in our Data Processing Addendum and other agreements. Visit our [Trust Center](#) for a current list of HCL Affiliates and subprocessors along with a description of their use of the data and their locations. From that site, customers may also request to receive updates to this list as any changes are made and may object to the subprocessors as permitted under our Data Processing Agreement.

**Data Transfers:** Under GDPR and other data privacy regulations, there are restrictions on the transfer of personal data outside of a geographic region. HCLSoftware relies on the Standard Contractual Clauses (SCCs) as its mechanism for the legal transfer of personal data from the European Economic Area. The SCCs are attached to our Data Processing Agreement that we enter into with our customers upon request.

**Data Security:** At HCLSoftware, security is our top concern. Please see our Technical and Organizational Security Measures and our security collateral on our [Trust Center](#) website.

**Data Breaches:** HCLSoftware has a comprehensive incident response program and, in accordance with our Data Processing Agreement, HCL will notify affected customers of any data breach or security incident that results in unauthorized access to or disclosure of customer data.

**Data Retention:** As the data controllers of the personal data, our customers generally determine how long information is retained in the HCLSoftware. While products vary in this regard, as a general rule our customers have the ability to retain or delete information in accordance with their own retention and deletion requirements. Upon expiration of the term of the license for the software, customer data is generally deleted in accordance with HCL's records retention schedules and in compliance with applicable laws.

### **Have A Question?**

Feel free to email [hclswprivacy@hcl-software.com](mailto:hclswprivacy@hcl-software.com) with any privacy-related questions.