



Pellera Technologies
Enterprise Cloud
Privacy and Cookie Policies

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This Enterprise Cloud Privacy Policy and Cookie Policy (“Policy”) is published by Pellera Technologies. (referred to in this Policy as “Pellera,” “we” “us” or “our”) to explain our privacy practices for any information received through our cloud service offerings (the “Services”).

1.0 Scope

Pellera provides software and services for managed cloud infrastructure services. For the purposes of this Policy, submission of an order for purposes of accessing functionality, information or services or products from Pellera shall be included in the definition of “Services”.

This Notice does not apply to the content that our customers (“Customers”) and their authorized users upload and store in the Services (“Customer Content”) with Pellera acting as a Data Processor. In those circumstances: (a) Pellera is processing Customer Content on behalf of a customer and that customer is responsible for the collection and use of your data; and (b) that customer’s privacy notice will apply to the customer’s collection and use of such Customer Content. In such circumstances you should refer to their privacy notice and direct any queries to them. The customer’s agreement with Pellera governs our use of and processing of Customer Content in these circumstances.

2.0 Updates

Pellera may update this Policy from time-to-time in our sole discretion by posting such revised Policy on the Services. Please note the Effective Date of this Policy at the top of the page. It is your responsibility to review this Policy regularly for any changes each time that you use the Services or provide us information.

Use of the Services by you following our posting of a new Policy on our Services constitutes your acceptance of the Policy as modified and will apply to all information received after the Effective Date of the modification. In the event we materially change the way in which we use your Personal Information that we previously collected, we will provide you with notice and ask you to affirmatively accept the new uses.

3.0 Collection and Use of Personal Information

When using the Service, we automatically collect certain data relating to the performance and configuration of our Service and our Customers’ and Authorized Users’ consumption, use of, and interaction with the Service (collectively, “Service Data”). While Service Data usually does not involve personal information, it may include such data in the following instances:

- Technical information, or data obtained from APIs, software or systems hosting the products and services and devices accessing these products and services, log files generated during such use;
- Data and metadata about an Authorized Users, such as user ID, email, IP address,



other data about the user's computer or other device, browser and connecting software (e.g., OS and software versions); and

- Data and metadata about an Authorized Users' activities and behavior within our Service, such as click-patterns and feature utilization.

Service Data is used by Pellera for (a) providing, supporting and operating our products and services, (b) network and information security and (c) to analyze, develop and improve our products and services.

4.0 Processing Purposes

Pellera processes the following types of Personal Information for the following lawful purposes and based upon the legal justification set forth in the parenthetical:

- a) Processing Personal Information in order to fulfill an order or provide Services (CONSENT, CONTRACT)
- b) Personal Information provided when contacting us for customer service, to provide feedback or for other purposes not otherwise described here (CONSENT)
- c) Personal Data to our third-party vendors for Services (CONSENT, CONTRACT)
- d) Payment (CONTRACT)
- e) Other information you voluntarily provide (CONSENT)

5.0 Categories of Personal Information

Generally, we collect the following data elements from you when we process your Personal Information for the purposes we described in this Policy. We process:

- Business contact first and last name
- Email address
- Phone
- Physical address
- Country of residence or business
- Industry
- Company
- Product(s) of interest
- Internet or other electronic network activity

6.0 Disclosures and Transfers of Personal Information

We do not share with or disclose Personal Information to third parties, except when one or more of the following conditions is true:

- We have permission to make the disclosure;



- The disclosure is necessary for the purpose for which the Personal Information was obtained;
- The disclosure is permitted by relevant law;
- The Personal Information to be disclosed is otherwise publicly available in accordance with applicable law;
- The disclosure is reasonably related to the sale or other disposition of all or part of our business or assets;
- The disclosure is for our own marketing purposes, or, with your authorization, for the marketing purposes of third parties;
- The party to whom the disclosure is made controls, is controlled by, or is under common control with Pellera;
- The disclosure is in our sole discretion necessary for the establishment or maintenance of legal claims or legal compliance, to satisfy any law, regulation, subpoena or government request, or in connection with litigation;
- The disclosure is in our sole discretion about users who we believe are engaged in illegal activities or are otherwise in violation of our acceptable use policies, even without a subpoena, warrant or court order; or
- The disclosure is to outside businesses to perform certain services for us, such as maintaining our Services or assisting us in the provision of Services, providing marketing assistance, and data analysis including service providers outside the country or jurisdiction in which you reside.

7.0 Disclosures and Transfers of Personal Information

If you have any questions or comments about the information presented here, please contact us at DataPrivacyOffice@pellera.com

1. Any information collected within the context of a user contact is used only for the express purpose of responding to your comment or question and is not made available for other purposes except to communicate with you in the future.
2. It is not required for submission of comments that you provide any personally identifying information, such as your name or your email address. However, that information would be necessary for us to send you a response.
3. We collect personally identifiable information (name and email address) only if specifically, and knowingly provided by you. When you provide this information, you consent to its use and you agree that we may use this information to communicate with you in the future.
4. Personally identifying information provided by you will only be used in connection with responding to your comment or inquiry and to communicate with you in the future.



5. No personal information collected is sold or otherwise transferred to a third party.

8.0 Do-Not-Track and Use of Cookies

Like many other websites, we and our partners use cookies (a small, removable data file that is stored by the web browser on your computer that identifies your computer and browser when you use the Services) and various technologies to collect and store information when you use the Services, and this may include sending one or more cookies or anonymous identifiers to your device. We also use cookies and anonymous identifiers when you interact with Services. Please read the Cookie Policy below for more information.

Your browser may offer you a “Do Not Track” option, which allows you to signal to operators of websites and web applications and services (including behavioral advertising services) that you do not wish such operators to track certain of your online activities over time and across different websites. Our Services do not support Do Not Track requests at this time, which means that we collect information about your online activity while you are using our Services and may track which website you visit immediately before or after accessing the Services.

9.0 Third-Party Sites

Our Policy does not apply to services offered by other companies or individuals, including products or websites that may be displayed to you in search results, websites that may include Services, or other websites linked from our Services.

10.0 Confidentiality and Security

We maintain reasonable safeguards to protect the Personal Information we collect. While we implement these measures, please note that 100% security is not possible, and we cannot guarantee that the security measures we have in place to safeguard personal information will never be defeated or fail, or that those measures will always be sufficient or effective.

The Customer is responsible for determining whether any Service is suitable for the Customer’s use and implementing and managing security and privacy measures for components that we do manage within the Services (“Customer Responsibilities”). Examples of Customer Responsibilities include: (1) the security of systems and applications built or deployed by the Customer upon an infrastructure as a service or platform as a service offering or upon infrastructure, Components or software that we manage for a Customer, and (2) Customer end-user access control and application level security configuration for a software as a service offering that we manage for a Customer or an application service offering that we deliver to a Customer.



11.0 Using our Services from Outside of the United States

Your information may be transferred to, and maintained on, computers located outside of your state, province/territory, or country where the privacy laws may not be as protective as those where you live. If you are located outside the United States and choose to provide information to us, please be aware that we transfer your Personal Information to the United States and process and store it there. As a result, this information may be subject to access requests from governments, courts, law enforcement officials and national security authorities in the United States according to its laws. Subject to the applicable laws, we will use reasonable efforts to ensure that appropriate protections are in place to maintain protections on the Personal Information. By submitting your Personal Information, you consent to having your personal data transferred to, processed, and stored in the United States.

12.0 Business Transfers

If we or any of our affiliates is involved in a merger, acquisition, asset sale, joint venture or other, similar transaction, we will continue to ensure the confidentiality of any Personal Information. We may transfer or allow access to Personal Information as part of the transaction and in review or preparation for it as described below.

In the event that:

- We engage in one more asset sales or purchases;
- We are acquired;
- We engage in one or more business combinations, mergers or acquisitions;
- Substantially all of our assets are acquired; or
- We are subject to an event of bankruptcy

you acknowledge and agree that personal and other information comprises an asset of ours and that Personal Information and other information is subject to assignment, transfer and/or acquisition by a third party. Accordingly, and notwithstanding anything to the contrary in this Policy, you acknowledge and agree that such transfers may occur and that a person or entity that acquires us may continue to subsequently use your Personal Information, and that such subsequent use may not be consistent with this Policy.

13.0 Children's Privacy

We do not knowingly collect or solicit personal information from children under the age of 13. By using the Services, you represent that you are at least 13 years old. If you are under 13, please do not attempt to register for an Account or send any Personal Information about yourself to us. If we become aware that we have inadvertently received or collected Personal Information from a user of the Services who is under the age of 13, we will attempt to immediately delete that information from our files and



records. Furthermore, we encourage users of the Services that are minors that are 13 years of age or older to ask their parents or guardians for permission before sending any information about themselves over the Internet.

If you believe a child who is under the age of 13 has provided us with Personal Information, please contact us at the address listed above.

14.0 Cookie Policy

Pellera may use cookies and other tracking technologies to deliver and improve the Services, and to display relevant content, products, services and advertising.

This Cookie Policy is part of the Policy and explains these technologies, including cookies, pixels, web beacons, and flash cookies, and how you can control them.

By using the Services, you agree that we can use these technologies as described in this Policy, including this Cookie Policy. We hope that this Cookie Policy helps you understand, and feel more confident about, our use of cookies and other tracking technologies. If you have any further queries or requests, please find the appropriate support channel by contacting us as provided in this Policy.

The internet is a rapidly changing medium, and the Services may include services provided by third parties. The cookies and third-party sites listed in this Cookie Policy are intended to provide timely information and may be updated from time to time; however, due to the nature of the internet, these lists may not exactly and inclusively represent all such items at every point in time. You should check back periodically to review updates to this Cookie Policy.

What is a cookie?

Cookies are small text files that are stored on your computer or mobile device. They are widely used in order to make websites work, or work in a better, more efficient way. For example, they can recognize you and remember important information that will make your use of a website more convenient (e.g., by remembering your user preferences).

What cookies do we use?

Below we list the different types of cookies we may use on the Services. The specific cookies and types of cookies we use change regularly and the list below may not be complete or accurate. We also may use cookies and similar tools to relate your use of the Services to personal information obtained about you. For example, if you have asked us to provide you information about our upcoming products or promotions, cookie and/or clickstream data about your activities on the Services may allow us to limit the materials we provide you to items we think you will find interesting based on your prior online



activities and preferences.

Strictly necessary cookies.

These cookies are essential to the Services in order to facilitate our log-in process (if applicable) or enable you to move around it and to use its features. Without these cookies, we may not be able to provide certain services or features, and the Services may not function properly or perform as smoothly for you as we would like.

Functionality cookies.

In some circumstances, we may use functionality cookies. Functionality cookies allow us to remember the choices you make while browsing the Services and to provide enhanced and more personalized content and features, such as customizing a certain webpage, remembering if we have asked you to participate in a promotion, and for other services you request such as watching a video or commenting on a blog. In order to permit your connection to the Services, our servers receive and record information about your computer, device, and browser, potentially including your IP address, browser type, and other software or hardware information. If you access the Services from a mobile or other device, we may collect a unique device identifier assigned to that device (“UDID”), geolocation data, or other transactional information for that device. All of these features help us to improve your visit to the Services.

Analytics cookies

We and our service providers may use analytics cookies, which are sometimes called performance cookies, to collect information about your use of the Services and enable us to improve the way it works. Analytics cookies collect information about how you use the Services, for instance, which pages you go to most. The information allows us to see the overall patterns of usage on the Services, help us record any difficulties you have with the Services and show us whether our advertising is effective or not.

Social networking cookies.

These Social plug-in tracking cookies can be used to track both members and non-members of social networks for “additional” purposes such as behavioral advertising, analytics, and market research.

How do third parties use cookies on this site?

In some circumstances, we may work with third parties to provide services on our Services. For example, we use analytics services supported by third party companies who generate analytics cookies on our behalf. We may not have access to these cookies, although we may use statistical information arising from the cookies provided by these third parties to customize content and for the other purposes described above. These companies also may transfer this



information to other parties where required to do so by law or where such other parties process the information on their behalf. Third-party advertisers and other organizations also may use their own cookies to collect information about your activities on our Services and/or the advertisements you have clicked on. This information, which may be combined with other information acquired from third parties, may be used by them to serve advertisements on our Services and third-party sites that they believe are most likely to be of interest to you based on content you have viewed.

Third-party advertisers also may use this information to measure the effectiveness of their advertisements and to track aggregate usage statistics.

We may not control these third-party cookies, and their use may be governed by the privacy policies of the third parties employing these cookies. To learn about these cookies and to disable or reject third-party cookies, please refer to the relevant third party's website.

For more information about third-party advertising on the Services, see the section on Delivering Advertising in the Policy.

You can also learn more about controlling cookies in Section 4 below.

How can you control cookies?

You may refuse to accept cookies from the Services at any time by activating the setting on your browser that allows you to refuse cookies. Further information about the procedure to follow in order to disable cookies can be found on your Internet browser provider's website via your help screen. You may wish to refer to <http://www.allaboutcookies.org/manage-cookies/index.html> for information on commonly used browsers.

Please note that by disabling or blocking any or all cookies, some features of the Services may not operate as intended, or you may not have access to features or personalization available through the Services.

How do we respond to DNT ("Do Not Track") browser signals?

In compliance with California AB 370, Section 22575, we have a responsibility to inform you that the Services does not take any specific automated action in response to browser Do Not Track signals or other similar mechanisms (collectively, "DNT signals"). As specified in the Do-Not-Track and Use of Cookies Section and Section 4 above, there are actions that you can take to restrict or eliminate the use of tracking technologies within the Services. No actions are taken automatically in response to DNT signals on the Services, however.

California Residents' Privacy Rights



This section is applicable to residents of California. If you are a resident of California, you have certain rights described below. The following do not apply to individuals who do not live in California on a permanent basis.

- **RIGHTS PROVIDED BY CALIFORNIA CIVIL CODE SECTION 1798.83**

A California resident who has provided personal data to a business with whom he/she has established a business relationship for personal, family, or household purposes (a "California Customer") may request information about whether the business has disclosed personal information to any third parties for the third parties' direct marketing purposes. In general, if the business has made such a disclosure of personal data, upon receipt of a request by a California Customer, the business is required to provide a list of all third parties to whom personal data was disclosed in the preceding calendar year, as well as a list of the categories of personal data that were disclosed. California Customers may request further information about our compliance with this law by emailing us at ccpa@convergetp.com. Please note that we are only required to respond to two requests per California Customer each year under Code Section 1798.83.

- **RIGHTS UNDER THE CALIFORNIA CONSUMER PRIVACY ACT**

This section of our Policy provides California residents with a comprehensive description of Pellera's online and offline practices regarding the collection, use, disclosure, and sale of personal information and the rights of California consumers regarding their personal information under the California Consumer Privacy Act ("CCPA"). This section applies to all California residents (but not including legal entities, such as companies). The section will not apply, however, if Pellera does not collect any personal information about you or if all of the information we collect is exempt from the statute (for example, the CCPA does not protect information that is already protected by certain other privacy laws, and it does not protect information that is already publicly available). "Personal information," for purposes of this section regarding the rights of California residents, does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

1. **You have a Right to Know About Personal Information Collected, Disclosed, or Sold.**

California residents have the right to request that Pellera disclose what personal information it collects, uses, discloses, and sells. This is called the "Right to Know". Under the Right to Know, you can request a listing of the types of personal information we have



collected about you, the sources of that information, how we use the information (e.g., our business or commercial purposes for collecting or selling personal information), other individuals and business with whom we share personal information, and the specific pieces of personal information that we have collected about you.

If you would like the above information, you may contact us through our webpage or customer service. Contact information is at the bottom of this section. When you make a request under your Right to Know, you can expect the following:

- a. We will verify your identity. You will need to provide us with the following information: email address and full name in order for us to verify that you are who you say you are.
- b. We will confirm our receipt of your request within 10 days. If you have not received a response within a few days after that, please let us know by contacting us at the webpage or phone number listed below.
- c. We will respond to your request within 45 days. If necessary, we may need an additional period of time, up to another 45 days, but we will reply either way within the first 45-day period and, if we need an extension, we will explain why.
- d. In certain cases, a Request to Know may be denied, for example, if we cannot verify your identity or if providing you the information could create an unreasonable risk to someone's security (for example, we do not want very sensitive information disclosed inappropriately). If we deny your request, we will explain why we denied it. If we deny a request, we will still try to provide you with as much of the information as we can, but we will withhold the information subject to denial.

In the last 12 months, we have collected the categories of personal information described above under the section "Categories of Personal Information." All such information was collected from sources as described above and for the purposes described above. We only disclose such information to third parties as described in the section "Disclosures and Transfers of Personal Information". Pellera does not sell personal information.

2. You have a Right to Request Deletion of Personal Information about You.

California consumers have a right to request the deletion of



their personal information collected or maintained by Pellera. If you would like information about you to be deleted, you may contact us through our webpage or customer service. Contact information is at the bottom of this section. When you make a request for deletion, you can expect the following:

- a. After you request deletion, you will need to confirm that you want your information deleted.
- b. We will verify your identity. You will need to provide us with the following information: email address and full name.
- c. We will confirm our receipt of your request within 10 days. If you have not received a response within a few days after that, please let us know by contacting us at the webpage or phone number listed below.
- d. We will respond to your request within 45 days. If necessary, we may need an additional period of time, up to another 45 days, but we will reply either way within the first 45-day period and, if we need an extension, we will explain why.
- e. In certain cases, a request for deletion may be denied, for example, if we cannot verify your identity, the law requires that we maintain the information, or if we need the information for internal purposes such as providing Services or completing an order. If we deny your request, we will explain why we denied it and delete any other information that is not protected from deletion.

3. Right to Opt-Out of the Sale of Personal Information

California consumers have a right to opt-out of the sale of their personal information by businesses. Pellera does not sell personal information, however, so opt-out is not relevant.

4. Right to Non-Discrimination for the Exercise of a Consumer's Privacy Rights

You have a right not to receive discriminatory treatment by us for exercising any of your privacy rights conferred by the CCPA. We will not discriminate against any California consumer because such person exercised any of the consumer's rights under CCPA, including, but not limited to:

- Denying goods or services.
- Charging different prices or rates for goods and services, including through the use of discounts or other benefits or



imposing penalties.

- Providing a different level or quality of goods or services.
- Suggesting that the consumer will receive a different price or rate for goods or services or a different level or quality of goods or services.

We may, however, charge a different price or rate, or provide a different level or quality of goods or services, if that difference is related to the value provided to you by your data.

5. Authorized Agents

If you would like, you may designate an authorized agent to make a request under the CCPA on your behalf. We will deny requests from agents that do not submit proof of authorization from you. To verify that an authorized agent has authority to act for you, we may require a copy of a power of attorney or require that you provide the authorized agent with written permission and verify your own identity with us.