

Privacy Policy

The Megaport group of companies, including Megaport Limited and its subsidiaries (including Peering GmbH), is committed to protecting the privacy of your personal information. The entities of the Megaport group that are acting under this Privacy Policy are specified further in Part 1-5 of this Privacy Policy (“**Megaport**” or “**we**”) and are acting as data controllers in accordance with Art. 4 No. 7 EU Regulation 2016/679 (**GDPR**). You can access the contact information of each relevant Megaport entity [here](#).

This policy explains how Megaport collects, uses, shares, holds and retains your personal information as required in the normal course and scope of Megaport’s business or permitted by law, whether you are a website visitor, employee, employment applicant, staff member of a Megaport customer, or other private individual whose personal information is affected by Megaport’s services or activities (**Data Subject** or **you**). (**Personal information** is any information relating to an identified or identifiable natural person as defined by privacy laws in each country that we operate¹).

Part 1 of this policy relates to Megaport’s customers and how we use the information that we collect from them, including any personal information and information transmitted via Megaport’s network in the course of providing the services according to the Global Services Agreement (**Services**).

Part 2 relates specifically to recruitment and recruitment-related personal information.

Part 3 applies to all visitors to the Megaport websites, including, where applicable, customers and job applicants. This also includes the use of cookies.

Part 4 applies generally (i.e. to customers, job applicants and website visitors) and sets out where your personal information may be stored or shared; how Megaport protects personal information; and what your rights as a data subject are.

Megaport may update this policy from time to time by posting the revised version on Megaport’s website.

PART 1: CUSTOMERS

Collection Data collected from our customers

In order to provide our customers with Services, or to perform a function related to providing our customers with Services, Megaport may need to collect and process certain data from our customers, which may include personal information relating to their staff or private individuals (**Collection Data**). This includes, in particular the following types of data:

- customer contact details (such as the customer’s name, address and contact phone number, in addition to the name, position and email address of members of staff who contact Megaport on behalf of the customer);
- customer credit card details;
- credit information about the customer;
- each customer’s password and username for accessing Megaport’s Services; and
- records of each customer’s use of Services and that customer’s communications with Megaport.

As Megaport may also collect personal information such as names and contact details from our customers’ employees or authorised representatives, each customer must make sure that they have notified, and if required by law obtained the consent of, such employees or authorised representatives to Megaport collecting and using such personal information in accordance with this Privacy Policy.

The data controller with regards to the Collection Data and the related Services is the relevant Megaport entity providing the Services to the Customer.

Providing the Collection Data is voluntary and based on the free will of the individual or entity providing the Collection Data. However, if a customer does not provide Megaport with the information Megaport needs, Megaport may not be able to provide that customer with the Services

¹ E.G. by Art. 4 (1) of the GDPR.

that customer wants or Megaport may be restricted in the way that Services can be supplied.

How Collection Data is collected

Megaport usually collects Collection Data when our customers interact directly with Megaport. For example, Megaport collects information when our customers and members of staff provide information to Megaport in person, by phone or email, or when customer details are entered on our websites. Megaport may also collect Collection Data, including from:

- anyone authorised to act on a customer's behalf;
- Megaport's employees, agents, contractors and suppliers;
- credit reporting bodies and credit providers;
- other telecommunication and information service providers; and
- public sources.

How Megaport uses Collection Data

Megaport uses Collection Data to the extent necessary to provide customers with Services and related support. In doing so, Megaport may use Collection Data for related purposes as required in the normal course and scope of Megaport's business, such as:

- processing a customer's application;
- carrying out checks for credit-worthiness;
- provisioning or connecting each customer's Services;
- dealing with customer enquiries and providing customer with customer support;
- managing each customer's Services, including account management, billing, processing payments and collecting debts;
- investigating complaints and carrying out dispute resolution;
- administering Megaport's agreement with each customer;
- product research and development, business planning and staff training;
- communicating with our customers about the Services; and
- informing our customer about special promotions that Megaport offers and which Megaport thinks may be of interest to customer, unless customer has requested Megaport not to do so. Megaport may tell customer about these services and offers via direct mail or electronic direct mail. You may opt-out of receiving direct marketing at any time by contacting Megaport at privacy@megaport.com. If Megaport wants to inform its Customers about promotions and news of third parties, it will not do so without Customer's explicit prior opt-in consent as required by applicable direct marketing laws.

Collecting and processing the above Collection Data for the purposes specified above is necessary to fulfil the Services towards the Customer² and to protect Megaport's protected interests specified above.³

How Megaport shares Collection Data

Megaport may need to share Collection Data within the Megaport group of companies and with other organisations to the extent necessary for the supply of Services to our customers⁴ or to protect Megaport's interests specified below⁵. Megaport will however, not share customer information, without customer's consent, with any third party for the purpose of marketing or for other purposes except to the extent necessary for providing the Services or to protect Megaport's protected interests as required or permitted by law. In particular, Megaport may disclose Collection Data to:

- Megaport's suppliers, resellers and agents so Megaport can supply the Services to the customer;
- Megaport's out-sourced service providers who perform functions and Services on Megaport's behalf, such as contact centre services, mailing functions or IT services;
- credit reporting bodies, credit providers or debt collection agencies if a customer does not meet its payment obligations;

² E.G. under Art. 6 para 1 lit b) of the GDPR

³ E.G. under Art. 6 para 1 lit f) of the GDPR.

⁴ E.G. under Art. 6 para 1 lit c) of the GDPR.

⁵ E.G. under Art. 6 para. 1 lit f) of the GDPR.

- other telecommunications and information service providers for performing the Services;
- Megaport's marketing partners with which Megaport shares Megaport's marketing activities;
- Megaport's legal, accounting and financial advisers and within the Megaport group of companies;
- customer's authorised representatives;
- any person, with customer's consent;
- government, law enforcement and regulatory bodies where this is required for Megaport to comply with Megaport's legal obligations; or
- a specified recipient to facilitate a purchase or potential purchase of the whole or any part of Megaport's business.

How Megaport retains Collection Data

Megaport will store your personal information in Collection Data only as long as needed to satisfy the above purposes for which it was collected (normally after your Global Services Agreement expired) or as required or permitted by law.

Transmission Data

Apart from collecting and processing the Collection Data, Megaport will, while performing its Services to its customers, transmit data packets via its network (**Transmission Data**). Megaport is registered as telecommunications services provider at the German Federal Network Agency (Bundesnetzagentur) and bound to the Secrecy of Telecommunication.

The types of Transmission Data Megaport collects

Megaport will process all Transmission Data that is required to allow Customer to transmit information and data packets through Megaport's network. This may be in particular:

- technical data such as IP addresses, routing information, beginning and end of every transmission, transmitted data amount, other data required for installing or maintaining a communication channel between sender and recipient;
- content data, i.e. the content of the data packets sent through Megaport's network.

Transmission Data is only collected if a transmission of data packets through Megaport's network is requested by Customer. Collection and processing of Transmission Data is a technical procedure and triggered by Customer's request to transmit data packets through Megaport's network or Services.

How Megaport uses Transmission Data

Megaport processes Transmission Data to the extent necessary to provide the Services to the Customer, in particular to build up the connection between sender and recipient of data packets and transmit these data packets and (if applicable) to calculate fees for the use of the Services if these are connected to the amount of data transmitted.

Megaport may also use certain technical Transmission Data in order to detect and resolve malfunctions in Megaport's network and Services or in the case of factual indications for the unlawful use of the Services or the network to detect and prevent this unlawful use.

In no event will Megaport access the content data transmitted through our network or the Services.

How Megaport shares Transmission Data

Megaport will share Transmission Data with other network operators and service providers to the extent necessary for fulfilling the data transmission requested by Customer and to cooperate with government, law enforcement and regulatory bodies where this is required for Megaport to comply with Megaport's legal obligations.

How Megaport retains Transmission Data

Megaport will delete all Transmission Data directly after the requested network connection has been terminated except where it is necessary to retain certain Transmission Data for billing purposes (where fees are connected to the amount of data transmitted) or for detecting and resolving malfunctions of the Services and Megaport's network or in the case of factual indications for the unlawful use of the Services or the network to detect and prevent this unlawful use. Megaport may

also be obliged to retain certain Transmission Data by domestic laws.

PART 2: RECRUITMENT

The types of personal information Megaport collects

In order to process and assess your job application, Megaport needs to collect and hold some personal information about you. Data controller in connection with this Part 2 is the relevant Megaport entity you apply to. The types of information Megaport may collect include:

- your contact details (such as your name, address and contact details);
- employment related information (such as your resume, employment details, qualifications, referees and other background checks, working rights checks and police clearances); and
- records of your communications with us.

If you provide us with personal information, this is based on your free decision and on your free will. However, if you don't provide us with the personal information Megaport needs, Megaport may not be able to assess or proceed with your job application.

Megaport will only process sensitive personal data which you may provide to us of your free will (that is personal data relating to an individual's racial or ethnic origin, political opinions, religious or other beliefs, political or trade union membership, philosophical beliefs, health, sexual orientation or criminal convictions).

How your personal information is collected and held

Megaport usually collects personal information about you when you interact directly with us. For example, Megaport collects your personal details when you provide information to us in person, by phone or email, or when you enter your personal details on Megaport's recruitment websites.

Megaport may also collect personal information about you indirectly, including from your referees, recruitment agencies and third parties Megaport engages to provide recruitment services on our behalf.

How Megaport uses your personal information

Megaport uses your personal information to:

- assess and process your job application;
- make a decision about whether to employ you;
- make decisions regarding your employment with us if you become an employee;
- file in our records for future offers of employment (if you separately consent to this retention);
- maintain and update our records; and
- deal with your enquiries.

Megaport will process your personal information for these purposes solely to the extent this is necessary for the application process and/or your subsequent employment with Megaport, as required by our legitimate interests and applicable laws.

How Megaport shares your personal information

Megaport may need to share your personal information within the Megaport group of companies and with the following persons, to the extent permitted by law:

- recruitment agencies and other third parties Megaport engages to provide recruitment services on our behalf;
- your referees;
- third parties to conduct background and police checks;
- institutions who issued your qualifications;
- government, law enforcement and regulatory bodies where this is required for us to comply with our legal obligations or to protect our lawful interests; or
- a specified recipient to facilitate a purchase or potential purchase of our business.

Megaport will share your personal information with the above third parties only to the extent this is

required for the application process or your subsequent employment with Megaport.

How Megaport retains your personal information

Megaport will delete your personal information directly after the application process is finished unless you are employed afterwards at Megaport or have consented to retention of your data for future employment offers.

PART 3: VISITORS TO THE MEGAPORT WEBSITES

This section applies to all visitors to the website www.megaport.com or any other Megaport website (**Website**). Megaport (Services) Pty Limited operates the Website and is the relevant data controller under this Part 3 of the Privacy Policy. Where you are a customer, Part 1 will apply in addition to this Part 3. Where you apply for a job with Megaport, Part 2 will apply in addition to this Part 3.

The types of personal information Megaport collects

Megaport may collect and process the following data about you:

- Information that you voluntarily provide to us via the Website: this may include your name, address, e-mail address and phone number and your financial and credit card information; and
- Information that Megaport automatically collects about you:
 - technical information, including the Internet protocol (IP) address used to connect your computer to the Internet, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform; and
 - information about your visit, including the full Uniform Resource Locators (URL) clickstream to, through and from our site (including date and time); products you viewed or searched for; page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page and any phone number used to call our customer service number.

How your personal information is collected and held

- Information that you provide to us: you may voluntarily provide us with information about you by filling in forms on the Website or by corresponding with us by phone, e-mail or otherwise. This includes information you provide when you register with the Website, subscribe to our Services and when you report a problem with the Website.
- Information that Megaport automatically collects about you: With regard to each of your visits to the Website we may automatically collect information that is automatically transferred to us when you visit our Website as specified above.

How Megaport uses your personal information

Megaport will use this information:

- to enable you to use the Website and to provide our Services (including by sending you information you may have specifically requested as well as other promotional communications if you have opted-in thereto);
- to administer the Website and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- to improve the Website to ensure that content is presented in the most effective manner for you and for your computer;
- as part of our efforts to keep the Website safe and secure; and
- to measure or understand the effectiveness of advertising we serve to you and others, and to deliver relevant advertising to you.

Megaport will use the above information only to the extent required for Megaport's protected

interests⁶, or where this is necessary to provide requested Services to you⁷.

How Megaport shares your personal information

We may share your personal information with suppliers and sub-contractors for the performance of our Services or where it is required to enable you to use our Website.

We may also share your pseudonymized technical information (e.g. IP addresses) with selected third parties including Megaport group companies including:

- business partners for advertising purposes;
- advertisers and advertising networks that require the data to select and serve relevant adverts to you and others; and
- analytics and search engine providers that assist us in the improvement and optimisation of our site.

Megaport will only share your pseudonymized technical information with these third parties including its group companies only where such transfer is justified under Megaport's protected marketing and improvement interests⁸.

You may object to such transfer of data by email to privacy@megaport.com or by using a respective "do not track" tool in your web browser.

For the above purposes, Megaport will not share any directly identifying information (e.g. names, email addresses, etc.) without your explicit prior consent except where this is necessary to provide any Services requested by you or to process any of your requests.

How Megaport stores your personal information

Megaport retains your personal information only to the extent this is required for the purpose it has been collected for and as required or permitted by law.

Cookies

A cookie is a small file of letters and numbers that we store on your browser or the hard drive of your computer if you give your respective consent upon the first visit of our Website.

Cookies help Megaport to collect information about visits to Megaport's websites for marketing and statistical purposes to improve the way Megaport interacts with customers and with its other Website users.

All accesses to pages on Megaport's websites are "logged". The logged information contains such things as a list of the pages accessed and the sort of browser used. This information is used to check for attempts at "hacking", or other fraudulent activity, to indicate missing pages or other web server problems. Megaport also uses it to provide general statistics such as the number of people viewing particular parts of the site.

The Megaportal cookie is used to authenticate customer access or to make sure customer is the same person over a given "session" time.

Megaport uses third party cookies (e.g. Google Analytics or Intercom cookie) to track how Megaport's Website is used. We may provide a limited amount of your information to these third parties.

You can find more information about the individual cookies, which data is processed by them, how we use them and the purposes for which we use them and how to opt-out from them [here](#).

You can usually remove or block cookies by using the settings in your browser, but this may affect your ability to use Megaport's websites.

Please note that third parties (including, for example, advertising networks and providers of external services like web traffic analysis services) may also use cookies, over which we have no control.

⁶ E.G: under Art. 6 para 1 lit f) of the GDPR.

⁷ E.G. under Art. 6 para 1 lit c) of the GDPR.

⁸ E.G. under Art. 6 para 1 lit f) of the GDPR.

These cookies are likely to be analytical/performance cookies or targeting cookies.

PART 4: GENERAL

Where your personal information is stored and processed

Megaport operates in various countries globally and the organisations that Megaport may share your information with may be located in countries both within and outside of the European Union (“EU”), including the United States, Canada, Australia, New Zealand, Singapore, Hong Kong, the Philippines, Japan and the United Kingdom. Note that the personal data protection and privacy laws in certain non-EU countries may not be as protective of your data as they are within the EU and may thus expose you to certain risks (such as a lower standard of protection applying to the processing of your information, or your having fewer rights to access your information, or there not being a regulatory body dedicated to personal data protection in that country that you can approach). Megaport will take all reasonable steps to ensure that recipients in such countries comply with a level of data protection that is considered to be adequate from the perspective of EU data protection laws (such as being covered by the EU-US Privacy Shield or standard contractual clauses approved by the European Commission), but you nevertheless acknowledge the aforesaid potential risks and hereby consent to your data being processed in such countries.

How else Megaport may share personal information

Megaport may further disclose your personal information to third parties:

- in the event that we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets;
- if any Megaport group company or substantially all of its assets are acquired by a third party, in which case personal data held by it about its customers will be one of the transferred assets; or
- if we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply our terms of use and other agreements. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

How Megaport protects your personal information

Megaport treats your personal information as confidential. Megaport stores your personal information electronically and/or in hard copy form. Megaport takes a range of measures to protect the security of your personal information, including by storing electronic information in password-protected servers that are in restricted and monitored areas. Megaport does not store full credit card details on its own systems, but instead makes use of a PCI DSS-compliant payment service provider.

How to access and correct your personal information

Your personal information can be accessed via your Megaportal account or by contacting Megaport at privacy@megaport.com.

Megaport takes all reasonable steps to ensure that the personal information Megaport holds about you is accurate, complete and up-to-date. You can access and correct most of your personal information (such as your contact details) using your Megaportal account. You can also contact Megaport at privacy@megaport.com if you wish to access or correct personal information that Megaport holds about you.

Your rights

You have the right to ask us not to process your personal data for marketing purposes.

You have the right to request information about the data we store,⁹ to demand the correction of incorrect data,¹⁰ and to demand its deletion¹¹ or the blocking or restriction of the processing of data.¹² You also have the right to data portability in certain situations.¹³ You are also entitled to object to the processing of your data, provided the reason for the objection lies in your special situation and provided it is data we process to protect one of our protectable interests.¹⁴

You can exercise the above rights at any time by contacting us at privacy@megaport.com.

You also have the right to lodge a complaint with your local supervisory authority (https://edpb.europa.eu/about-edpb/board/members_en)

Consent

If our data collection or processing is based on your consent, you may at any time freely withdraw your consent with effect for the future by email to privacy@megaport.com.

Links to third party websites

Our site may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites.

Contact Megaport

If you have an enquiry regarding privacy, or you wish to raise a complaint, you can contact the Privacy Officer by email at privacy@megaport.com.

⁹ E.G. under Art. 15 of the GDPR.

¹⁰ E.G. under Art. 16 of the GDPR.

¹¹ E.G. under Art. 17 of the GDPR.

¹² E.G. under Art. 18 of the GDPR.

¹³ E.G. under Art 20 of the GDPR

¹⁴ E.G. under Art. 21 of the GDPR.