

Privacy Statement

1. Intro

- (a). You're here because you are interested in our website, products, or other services (collectively, the "**Services**"), and you may share with us some personal data, as such is regulated by the Regulation (EU) 2016/679 (GDPR) and other applicable laws on the protection of personal data.
- (b). Privacy is a very important subject to us and, while we aim to uphold the GDPR in our business operations, we may sometimes rely on local laws. Terms like "*personal data*", "*processor*", "*processing*", "*controller*", and others are used throughout this Statement as defined by the GDPR.
- (c). This Privacy Statement (the "**Statement**") describes how Kubeark and its affiliates (collectively "**Kubeark**", "**we**", "**us**") collect and process your personal data. This Statement also explains the scenarios where Kubeark is a controller with respect to your personal data, and where Kubeark may act as a processor.

2. Processing personal data

- (a). In our activity we may process different types of personal data shared by our users, prospect customers, customers, business partners, etc. Depending on your relationship with Kubeark, we may collect information about you which can identify you directly (e.g., name and email) or indirectly (e.g., IP address or other online identifiers).
- (b). We do not target consumers with our Services, and we prohibit children to access our Services. When you enroll to our Services with a business domain, or when you represent that you have enrolled on behalf of an entity, we will deem that you are acting as an employee or contractor of that entity, and we may share your information with that entity, upon the latter's reasonable request and in accordance with the applicable law.
- (c). Below are the scenarios where your personal data may be processed by Kubeark as a controller.

Purpose	Legal ground	Data categories
Provision of Services (license management, contract management, providing the Services, and associated communications e.g., alerts, updates to Services or terms)	contract performance	name, job information, signature, email, country, other personal data needed
Enrollment and deactivation (account creation to use the associated Services; account activation, account maintenance; using the social media accounts you use to enroll)	contract performance	name, email, username, country, language, job information, information in your social media account
Support for Services (we rely on you to limit the disclosure and stick to sharing only technical data)	contract performance / consent	name, email, job information, device ID
Access to our websites and reporting abuse (provide you with relevant news, improve your experience on our website, or respond to your inquiries)	consent	name, email, phone no, browser information, device, IP address, website user experience, job information, country, information in your social media account
Events and contests (registration, provide information on events and contests, ask for your feedback, provide the prize, share information with event partners, as indicated in the applicable documentation, promote the	consent / legal obligations / legitimate interest	name, email, phone no, location, social media account, education, job information, voice, image and (when needed) ID information

events, post testimonials online, and other marketing activities)		
Partnerships (set up the partnership in our system, maintain the partner account, etc.)	contract performance	name, email, phone no, company, job information, location, and other necessary information
Marketing (sending marketing communications, information on Services or new product releases, events, surveys, campaigns and promotions; you may at any time unsubscribe from marketing communications)	explicit or implied consent, or based on our legitimate interest	name, e-mail, phone no, and other data shared or collected from you or third parties
Recruitment (to manage job applications or potential candidates we find online)	consent / legitimate interest	name, email, work experience, education, LinkedIn profile and other information in your application
CCTV monitoring (for the purpose of ensuring the security and safety of our buildings, facilities, and properties, staff, visitors, and information.	legitimate interest	video footages, images, voice of you and your belongings

- (d). We may use cookies that collect certain information about your navigation on our website to improve our Services and our online presence. Certain cookies are necessary for the website to function and cannot be switched off in our systems, while others, for which we need your consent, allow us to measure and improve the performance of our site, to provide enhanced functionality and personalization, or to show you relevant adverts.

3. Other personal data processing

- (a). **Cloud Services.** Sometimes we may act as a processor or sub-processor on our customers' or partners' behalf, for instance with respect to use of our cloud Services. As a controller, the respective customer or partner is in control of how they wish to use personal data.
- (b). Some of our Services may carry limitations as to the use of personal data, while in other Services your activity may be visible to other users, so make sure to go through the applicable terms of use and underlying documentation.
- (c). Where our Services generate technical and usage data that may contain pieces of user data, Kubeark will use them to provide the Services and improve and expand our capabilities.
- (d). **Third-Party Services.** Our Services may integrate with third-party services. Personal data that you use with third-party services may be visible to the underlying providers and will be processed in accordance with their own privacy policies, and Kubeark disclaims any liability thereof.

4. Automated decision making and profiling

- (a). We may use personal data, user data, or other information shared with us by our users, customers, or partners for automated decision making and profiling as follows:
- (i). to comply with export control regulations and deny access to restricted parties, as identified by the relevant regulatory bodies
 - (ii). for statistical purposes and to help us promote our Services
 - (iii). for recruitment purposes, to check if candidates are allowed to work in a specific geo-location or have passed our recruitment tests
 - (iv). to improve and maximize your experience with our Services and to enable personalized offers by building individual profiles
- (b). You have the right to make an opposition at any time, by reaching out to us.

5. Personal data disclosures

- (a). We may provide personal data to third parties, where required to satisfy our legal obligations, as follows:
 - (i). as requested by public authorities, auditors, inspection institutions, based on their legal obligations, such as data protection authorities or authorities for consumer protection
 - (ii). to comply with legal requirements or to protect the rights and assets of Kubeark or other entities or people, such as courts of law, or enforcement authorities
 - (iii). to third parties' acquirers, as part of a change of control, merger or acquisition or similar procedures, if your personal data would be part of the transaction
- (b). We work as a global company, so we may share data with third parties around the world. We apply caution and we enter into contractual agreements with our third-party processors to require them to comply with similar obligations imposed on us with respect to the protection of personal data.
 - (i). **Kubeark affiliates** may have access to your personal data, as needed to provide our Services and carry out our business operations.
 - (ii). **Service providers and business partners** that we employ for services (such as communication, customer management, or employee management, or legal, financial, or other professional services) may need to have access to certain personal data, as needed to perform the underlying agreements or for our legitimate interest.
 - (iii). **Kubeark channel partners** that we select to distribute our Services, may need access to certain personal data (such as business contact details), so that customer demand is satisfied and that they offer our customers or prospective customers a seamless experience purchasing Services.

6. Personal data retention and security

- (a). We will store your personal data for a limited period of time, as necessary to achieve the purposes of the personal data processing, as described in this Statement, and in accordance with our legal and contractual obligations, or industry practices. This means that we retain different categories of data for different periods of time depending on the type of data, the category of data subject to whom the data relates, and the purposes for which we collected the data.
- (b). Once the retention period expires for a specific category of data, Kubeark will delete, archive, anonymize or destroy it, in accordance with its internal policies and procedures, unless prohibited by the applicable law.
- (c). You may request to have all your personal data deleted at any time by reaching out to us.
- (d). Kubeark constantly evaluates and upgrades the security measures implemented as to ensure a secure and safe personal data processing.

7. Data subject rights

- (a). Under the GDPR you have the following rights in respect to your personal data, which you may exercise at any time by submitting a request to us: (i) the right of access; (ii) the right to request the rectification or erasure of personal data; (iii) the right to request the restriction of processing; (iv) the right to withdraw your consent for processing; (v) the right to object to the data processing; (vi) the right not to be subject to a decision based solely on automated processing, including profiling; (vii) the right to data portability; (viii) the right to file a complaint with the Data Protection Authority ([ANSPDCP](#)) and the right to address to the competent courts of law.
- (b). You may use the same form to exercise your right to opt-out of sale of personal information, if you are a resident of the state of California, as provided by the CCPA.

8. Changes to this Statement

- (a). This Statement may be changed and updated by us from time to time as it could become necessary.
- (b). We will notify you of any substantial changes to this Statement and will ensure that the notification is made in a way which ensures that you acknowledge them, for example by use of the e-mail



address that you have provided to us, or any other appropriate means that ensure effective communication.

If you do not agree with the changes, please contact us or deactivate your account.

9. Contact us

- (a). For any questions regarding this Statement or our privacy practices in general, or to exercise your rights under this Statement, you may reach out to us privacy@kubeark.com.
- (d). Kubeark is a software company with its main offices in Romania and the United States of America:
 - (i). Kubeark SRL, SKY TOWER Building, 246C Calea Floreasca, 1st floor, District 1, Bucharest, Romania, Trade registry no J40/4656/2022, CUI 45781670
 - (ii). Kubeark, Inc., 1209 Orange Street, Wilmington, New Castle, 19801, Delaware