



# PRIVACY POLICY

RackBank Datacenters Private Limited (also referred to as “**RackBank**,” “**our**,” “**we**” or “**us**”) provides datacenter colocation, AI cloud infrastructure, managed hosting, dedicated servers, storage solutions, and related configuration services (“**Services**”), which can be availed through its website accessible at <https://www.rackbank.com> (the “**Website**”). This privacy policy (“**Privacy Policy**”) describes how we collect and use the Personal Information of users accessing the Website and/or customers availing the Services (“**you**”, “**user**”, “**your**” to be construed accordingly). Your use of the Services or your registration with us constitutes your agreement to this Privacy Policy.

We may modify this Privacy Policy at any time by posting a revised version of the same at link <https://www.rackbank.com>, on our Website, and the amended version shall become automatically binding on you if you continue to avail of the Services. You shall have the responsibility to review the Privacy Policy on a regular basis. If you do not wish to be bound by the updated Privacy Policy, we request you to stop accessing the Website and the Services and to reach out to us to deactivate your Customer Account (as defined in the RackBank terms of Services accessible at <https://www.rackbank.com> “**Terms**”).

We respect your privacy and are committed to maintaining the privacy and confidentiality of your Personal Information. Our Personal Information handling practices are described in this Privacy Policy, in any subsequent privacy supplements, and in notices published at the point of collection of such Personal Information.

We urge you to read this Privacy Policy so that you understand our commitment to you and your privacy, and how you can participate in that commitment. If you have any questions, please contact us at [support@rackbank.com](mailto:support@rackbank.com).

## 1. SCOPE AND YOUR CONSENT TO OUR USE OF YOUR INFORMATION

This Privacy Policy applies to Personal Information and other information (collectively referred to as “**Information**”) collected by RackBank or its service providers acting on its behalf for the purpose of providing the Services or for making the Website accessible to: (i) visitors to or users of the Website; (ii) prospective and current customers using the Services; (iii) service providers and business partners; (iv) job applicants; and (v) other third-parties that RackBank interacts with.

By providing your Personal Information (defined below) to RackBank in the ways described in this Privacy Policy, you:

- agree that you are authorized under applicable law to provide that Personal Information;
- are agreeing to the terms of this Privacy Policy and any supplementary privacy supplement we put up on the Website.

We require your Personal Information to be able to provide you the Services or access to our Website, as the case may be. If you do not agree with the terms of this Privacy Policy, please do not register, subscribe, create an account, or otherwise interact with our Services or the Website.



## 2. DEFINITIONS

“**Personal Information**” means any information that relates to a natural person, which either directly or indirectly, in combination with other information available or likely to be available with a body corporate, is capable of identifying such person. It includes any information or an opinion from which you are reasonably identifiable, such as your name; Customer Account information like username and password; email address; contact number and complete address. We describe the Personal Information that we collect in more detail in Section 3 below.

“**Non-Personal Information**” is information that is related to you but does not personally identify you. Non-personal Information includes information that has been modified by aggregating, anonymizing or de-identifying such information in order to remove or hide any Personal Information.

## 3. THE TYPES OF INFORMATION WE COLLECT

a) **Personal Information:** This includes the contact information of customers and sub-users added to the Customer Account and accessing the Services, and such information includes the name, company name, job title, mobile numbers, postal addresses, email addresses, or other addresses at which communications are received by such customer/sub-user, as the case may be, from or on behalf of RackBank (such information being referred to as “**Contact Information**”). If you choose to refer anyone to our Services, we may also collect such person’s email address so that we may send them a referral or promotional code to sign up for our Services.

When you are expressing an interest in obtaining additional information about the Services or signing up to use the Services, RackBank requires that you provide Contact Information (“**Required Contact Information**”). However, Personal Information does not include aggregated information that, by itself, does not permit the identification of individuals and does not include information collected by automated means (described below).

b) **Transactional Information:** This includes information about the Services you use, and how you interact with us and the Services (for example through email, customer portal or phone).

c) **Billing Information:** RackBank collects your billing information like customer name, GSTIN, PAN, address, bank details, TDS certificate etc. for the purpose of providing the Services. In order to purchase our Services, you are required to make payment for such Services. While making payment, we redirect you to our third party payment gateway and at such a third party payment gateway your billing details such as billing name and address, and a credit card number, including card security number and credit card date of expiration (“**Billing Information**”) may be collected by such third party payment gateway. You agree and acknowledge that your submission of Billing Information on the third party payment gateway will be governed by the terms of such third party payment gateway’s privacy policy and terms of use.

d) **Optional Information:** Where the customer is a business entity, this includes the business entity’s annual revenues, number of employees, industry or similar information that helps us tailor our Services. Please note, that Optional Information is information that you do not have to provide us unless it is agreed upon between us.



e) **Information Collected by Automated Means:** This includes information that RackBank collects through commonly used information-gathering tools, such as cookies and web beacons. Such information includes standard information from your web browser (such as browser type and browser language), your Internet Protocol (“IP”) address, and your activities on the Website (such as the web pages viewed and the links clicked, number of visits, access time, device ID or other unique identifier, domain name, screen views, language information, device name and model, and operating system type), the URL of the site from which you came and the site to which you are going when you leave the Website, your computer operating system, and mobile device operating system (if you are accessing the Website using a mobile device). Information collected by automated means also includes information that we may collect about: your use of certain Service features; the functionality of the Services; when you click on ads; your participation in research initiatives like surveys about our Services. While RackBank does not monitor or view the specific data stored by its customers who are using the Services, it is necessary for RackBank to track various parameters of transferred data (file size, etc.) to support features including, but not limited to, bandwidth monitoring and storage usage. RackBank treats such information as Non-Personal Information and it will be subject to the Terms and conditions agreed to by the Customer or applicable master services agreement (“MSA”) or non-disclosure agreement (“NDA”), if any, executed with the respective customer.

f) **Sensitive Information:** We will not intentionally collect or maintain, and do not want you to provide, any information regarding your medical or health condition, race or ethnic origin, political opinions, religious or philosophical beliefs or other sensitive personal information.

#### **4. HOW DO WE COLLECT INFORMATION ABOUT YOU**

a) **Information you give us or our service providers.** You may provide Personal Information when you: (i) access the Website, (ii) request, purchase and use the Services, (iii) communicate with RackBank via phone calls, chat, email, web forms, social media and other methods of communication, (iv) subscribe to RackBank marketing material, (v) apply for a job at RackBank, or (vi) provide services to RackBank.

b) **Information we collect about you and your device via automated means.** Each time you visit the Website, view an RackBank advertisement on a third party-owned website or read an RackBank marketing email, we may automatically collect information about you via cookies, web beacons and other similar technologies.

c) **Email communication.** We use pixel tags and cookies in our marketing emails so that we can track your interaction with those messages, such as when you open the email or click a URL link that’s embedded within them. When recipients click on one of those URLs, they pass through a separate web server before arriving at the destination page on the Website. We use tools like pixel tags and cookies so that we can determine interest in particular topics and measure and improve the effectiveness of our communications.

d) **Information we receive from other sources.** We work closely with third parties (for example, business partners, service providers, sub-contractors, advertising networks, analytics providers, search information providers, credit reference agencies, fraud protection services, channel partners and resellers) and may receive information about you from them.



e) **Social Media Platforms.** We may receive certain information that is stored or processed by third parties, such as the social media sites Facebook®, Twitter® and LinkedIn® when you interact with us through these social media platforms. The Website may include social media features – such as the Facebook “Like” button – and widgets – such as the “share this” button. These features may collect your IP address as well as details of the pages you are visiting on the Website. Social media features and widgets are either hosted by a third party or hosted by the Website. The collection and disclosure of your Information by these social media platforms when you interact through these social media features will be governed by the respective privacy policy of such social media platforms.

f) **Public Forums, Blogs and the Customer Reference Program.** The Website may feature bulletin boards, blogs or forums. These are public forums and any Personal Information that you choose to submit via such a forum may be read, collected, or used by others who visit these forums, and may be used by such persons to send you unsolicited messages, and RackBank shall not have any responsibility with respect to Personal Information shared by you on such forums. RackBank may post the list of customers and testimonials on the Website. These lists and testimonials usually contain Personal Information such as customer names, company name and job titles.

g) **Co-branding.** Some services that form part of the Services and are provided by RackBank may be co-branded and offered in conjunction with another company. If you access the website of such other company or access such co-branded services, both RackBank and the other company may receive the Personal Information that’s collected via that co-branded website or service. The company whose privacy policy is displayed on a co-branded website will be responsible for Personal Information collected on such a website.

h) **Third-party vendors.** In order to provide the Services and improve the Website, RackBank may engage the services of third-party vendors. In the process of supplying services to RackBank, these third-party vendors may need to collect Personal Information about you.

## 5. HOW WE USE YOUR INFORMATION

Unless otherwise stated herein, we use your Information for providing you the Services that you have requested from us, as described below:

a) **To contact you.** We use your Contact Information to get in touch with you. Here are some examples of reasons why we might contact you : to communicate with you about your orders or the Services you use; conduct surveys; send you announcements about the Services; notify you about our upcoming events; administer surveys, sweepstakes, contests, or other promotional activities or events sponsored by us or our business partners;

b) **For marketing purposes.** We use your Contact Information to recommend products and services that might be of interest to you, to send you marketing and advertising messages such as newsletters, announcements, or special offers or to notify you about our upcoming events. Providing you with marketing communications is not essential for us to provide the Services to you; thus, you may opt-out from receiving such communications as described in Section 7 below. Your decision to opt-out from our marketing communications will not affect your ability to continue receiving the Services from us.



c) **To provide the Services to you.** We need the Required Contact Information, Transactional Information, and Billing Information to: process orders (including payments) for our Services; provide the Services to you; provide access to secure areas of our websites; create and maintain your account, and control access to it.

d) **To measure interest in the Website and advertisements.** We need Information collected via automated means to: measure interest in the Website and RackBank advertisements; develop our web pages and marketing plans; customize and improve the content you view when you visit the Website; suggest products and services that you may be interested in purchasing; personalize the online ads we present to you based on your prior web visits or ads viewed; and enable us to review develop and continually improve the Services and offers we provide. Collecting this information is not essential for the maintenance or existence of the legal relationship we may have with you at a certain point.

e) **To enable third parties to provide services to us.** We may need to provide your Required Contact Information to third parties so that they may carry out technical, logistical or other functions on our behalf. This disclosure of your Contact Information will be subject to the terms of Section 6 below. We also engage third-parties to provide us with reports about the usage and browsing patterns of the Website. Such third parties track and analyze such information with respect to visitors to the Website.

f) **To protect our business.** We use Information we collect to prevent or detect fraud or abuses of the Website and the Services, and to identify and protect our business from fraudulent transactions.

h) **To manage our everyday business needs,** such as to: administer and manage our business; train our employees; help promote compliance with the Terms/MSA/NDA (as applicable) and the Company Policies; allow you to apply for a job with RackBank; carry out research and development to improve the Services; carry out other purposes that are disclosed to you and to which you consent; or to comply with applicable law.

i) **Other.** If you purchase our Services via one of our online tools, we will use the information that you provide during the online sign-up process to establish your Customer Account. Information you submit through on-line chat, email, and web form is archived and may be tied to information that we collect about your web visits. Your telephone call or a web conference may be recorded for training purposes and we may enter information you provide via telephone, or other means of communication, into our systems and use it for the purposes described in this section.

## **6. DISCLOSURE OF PERSONAL INFORMATION**

Except for the limited circumstances described in this Privacy Policy or the applicable Terms/MSA/NDA and/or the Company Policies, the Personal Information we gather is for internal use only and we will not authorize the release of this information to anyone outside of RackBank unless you have consented to such disclosure. When we need to provide your Personal Information to third parties, we will only share it to the extent reasonably necessary for providing the Services or improving the customer experience while availing the Services. We may also share your Personal Information as required or permitted by applicable law in the manner set out in the applicable Terms.

Please note that the parties to whom we disclose your Personal Information may be located in another country. Some of the countries in which these parties are located may not have the same or



substantially similar privacy laws as those applicable to your own jurisdiction. Your Personal Information will only be transferred to other third parties as permitted by applicable law in a country where RackBank operates and as described in this section.

a) **Disclosure to our Service Providers and third-party business Partners:** We may disclose, to the extent necessary for the provision of Services, your Personal Information to our third party service providers and channel partners. Please be aware that our third party service providers and channel partners may be located in a different country than you, so your Personal Information may be transferred outside your country. We require that our third party service providers and channel partners agree to keep confidential all information we share with them and to use the information only to perform their obligations in the agreements we have in place with them. These third party service providers and channel partners are expected to maintain privacy and security protections that are consistent with RackBank's privacy and information security policies. While we provide these third parties with no more information than is necessary to perform the function for which we engaged them, any information that you provide to these third parties independently is subject to their respective privacy policies and practices.

b) **Disclosure to Others:** Should you breach any of the Terms/MSA/NDA or Company Policies or if we are under a duty to disclose or share your Personal Information in order to comply with any obligation imposed by applicable law, we may disclose your Personal Information to the relevant government authority. We may need to release your Personal Information that we collect to third parties when we believe it is required to comply with applicable law, to enforce our legal rights, to protect the rights, safety or property of our business and others, or to assist with industry efforts to control fraud, spam or other undesirable conduct and as needed to support auditing, compliance, and corporate governance functions. Additionally, we will provide your Information to a third party in the event of any reorganization, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of our business, assets or stock (including in connection with any bankruptcy or similar proceedings).

c) **Disclosure when we have your consent:** We may also disclose your Personal Information and other information, for any other purpose disclosed by us from time to time when you provide such Personal information, as otherwise required or permitted by applicable law, and/or with your express consent. Any such purposes may involve the transfer of your Personal Information across country borders. We may disclose Non-Personal Information that does not identify any individual or company (e.g., anonymous, aggregated data) without restriction. For example, we may provide our advertisers or other third parties with reports that contain aggregated and statistical data about our users.

d) **Disclosure to your Referrer:** If you sign up for our Services through a referral, we may share information with your referrer to let them know that you used their referral to sign up for our Services.

## 7. HOW YOU CAN MANAGE YOUR PERSONAL INFORMATION

a) **Communication Preferences and Opt-outs.** If you wish to stop receiving email marketing communications from us, please click on the "unsubscribe" link at the bottom of the relevant email



marketing communication or by following the instructions detailed in the communication. Please note that this may not unsubscribe you from all other communications. If you wish to opt-out completely then please contact us using the details provided below. Please note that you cannot unsubscribe from service-related messages. In accordance with industry standards and applicable laws, we reserve the right to retain your Personal Information for a reasonable amount of time for the purpose of our internal record-keeping.

**b) Advertising and Tracking Technologies.** If you wish to opt-out of interest-based advertising or other forms of “tracking” please be aware that opting out of interest-based advertising will not prevent advertisements from being displayed to you but they will no longer be tailored to your interests.

**c) Access and Correction.**

7.c.1. Subject to applicable law, if you would like to know what Personal Information we hold about you, you may submit a request to us by using the contact details below. We will supply Personal Information about you and that we hold in our own files within the reasonable timeframes stipulated by applicable law. Please note that some requests may be subject to a reasonable fee.

7.c.2. If you would like to correct or update the Information we hold about you, or revoke consent previously granted, please follow these instructions:

(a) If you’re an existing customer, please log in to the applicable RackBank control panel to submit a support ticket.

(b) If you’re a Website visitor, a prospective customer, job applicant, a service provider or business partner, please email us at [legal@rackbank.com](mailto:legal@rackbank.com) or write to us at the address listed in Section 14 of this Privacy Policy.

**d) Data Retention.** We retain certain information about you and usage of the service in order to comply with applicable legal, tax, or accounting requirements and/or for our own legitimate business purposes. The personal and financial information that we collect from you during account creation, service usage logs and billing and transaction logs including IP and timestamps are retained.

You can view, update, and delete certain information about your account in RackBank MyAccount, however when you update or delete any information, we may continue to retain a copy of the prior version for our records.

The information you provide us may be archived or stored periodically by us according to backup processes conducted in the ordinary course of business for disaster recovery purposes.

**e) Choosing not to provide us with certain information.** You can choose not to provide certain information when using the Website or the Services but this may prevent you from being able to take full advantage of the functions available online and it may prevent us from being able to provide you with Services.



## 8. SECURITY OF YOUR INFORMATION

a) **The measures we take.** We are committed to industry best practice standards when it comes to preventing loss, misuse, alteration, unauthorised access, or unlawful or unnecessary processing of the Information we collect as described in Section 3 of this Privacy Policy. For example, we:

- (a) make use of encryption technology as required;
- (b) use appropriate network access control technology to limit access to the systems on which RackBank collected Information is stored; and
- (c) monitor for possible vulnerabilities and attacks on RackBank's servers.

Unfortunately, we cannot guarantee that the technical, physical and organisational measures we take will prevent every security threat nor can we guarantee that your Information will not be improperly accessed, used, altered or destroyed. We will notify you if we discover there has been a material breach of security, which resulted in an unauthorized disclosure of your Personal Information.

b) **The steps you should take.** To help maintain the security of information you provide to RackBank or you store on RackBank's hosted systems, please follow these rules:

- a) Keep your passwords private.
- b) If you're already a customer, remember that you're responsible for making sure no unauthorised person has access to your passwords and account details. You should promptly notify us if you need to deactivate your login or change your password. You should also implement appropriate security measures for the data you store on the hosted system.
- c) Remember, when you use online tools such as our forums, community sites or social networking sites, the content you upload to them will be public. If you don't want the content you upload to be seen by the rest of the world, please don't post it!

## 9. DATA INTEGRITY AND RIGHT TO ACCESS YOUR PERSONAL INFORMATION

Personal Information we collect is relevant for the purposes for which it is to be used. RackBank takes reasonable steps to help ensure that data is reliable for its intended use, accurate, complete, and current.

We will retain your Information for as long as reasonably needed to provide you the Services or to fulfil the purpose for which the Information was originally collected as set out in this Privacy Policy.

As noted in Section 7 above, you have the rights to access, correct and request deletion of your own Personal Information in accordance with applicable law. You are also entitled to oppose certain data processing practices or to revoke consent previously granted, to the extent permitted by applicable law. In order to exercise such rights please log in to the applicable RackBank control panel to submit a customer support ticket or contact us to the contact data set forth below. When we receive such request, we may inform you of: (i) the information that you or your legal representative will be asked to provide (if any) and documents that you may need to enclose with your request; (ii) timeframes to receive a response from us regarding any request; (iii) forms and templates available for submitting the request (if any) and; (iv) how we will deliver your Information to you (which



usually would be copies of documents or data messages). Please note that some requests may be subject to a reasonable fee.

If you wish to cancel your Customer Account or request that we no longer provide you the Services, please log in to the applicable RackBank control panel to submit a ticket. In response, we will cancel or remove your Information but may retain and use copies of your Information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements. If you do not have a Customer Account, you can send a request by email to [legal@rackbank.com](mailto:legal@rackbank.com) or write to us at the address listed in Section 14 of this Privacy Policy.

## **10. CHILDREN**

The Website and the Services are not designed for or directed at individuals under the age of eighteen (18) or minors otherwise defined under local law or regulation. We will not intentionally collect or maintain information about these individuals. If you believe that we may have collected Personal Information from someone under the age of 18 or from a minor as may be otherwise defined in your country, please let us know using the methods described in Section 14 of this Privacy Policy. We will then take appropriate measures to investigate and, if found to be true, delete that information.

## **11. VERIFICATION**

RackBank utilizes the self-assessment approach to assure its compliance with its Privacy Policy. RackBank regularly verifies that the Privacy Policy is accurate, comprehensive, prominently displayed, completely implemented and in conformity with applicable laws and regulations and conducts its self-assessment on an annual basis to ensure that all relevant privacy practices are being followed. Appropriate employee training is in place and internal procedures for periodically conducting objective reviews of compliance are in place.

## **12. CUSTOMER DATA – PERSONAL INFORMATION OF OUR CUSTOMERS' CLIENTS**

If you believe you have provided your Personal Information to somebody who hosts your Personal Information with us, then this section applies to you! Our customers use the Services to host, transmit or process data on our hosted systems, which may include your Personal Information ("Customer Data"). In these situations, it is our customers rather than us who decide the reasons for which the Customer Data is collected and otherwise processed. RackBank will not review, share, distribute, nor reference any such Customer Data except as provided in the Terms/MSA/NDA, or as may be required by applicable law. See the applicable Terms/MSA/NDA governing your access to your Customer Account for more information about how we handle your Customer Data.

Nothing contained in this Privacy Policy shall be construed to alter specific terms and conditions applicable to the Services. Our customers remain responsible for Personal Information that they collect and process and for compliance with applicable data protection laws.

Our customers are responsible for maintaining the security and confidentiality of their accounts and access to the hosted systems, and encrypting any Personal Information they store on or transmit to/from our hosted system.



For details of how the Customer Data will be used and protected, and details of how to access or correct it, please refer to the Privacy Policy of the relevant customer to which you submitted your Personal Information.

### **13. PRIVACY PRACTICES OF THIRD PARTIES**

This Privacy Policy only addresses the use and disclosure of Personal Information that's collected via the Website and the Services.

In the course of our interactions with you, we may provide you with links to third-party websites for your convenience and information. The privacy practices of those sites may differ from our own practices and are not controlled by us nor covered by this Privacy Policy. We do not make any representations about third-party websites. We encourage you to review their privacy policies before submitting your Personal Information to such third-party websites.

### **14. INQUIRIES OR COMPLAINTS**

If you have a question, grievance or complaint about this Privacy Policy or our information collection practices, please contact our grievance officer as per the below mentioned details:

Name: Shashwat Jain

Email id: [legal@rackbank.com](mailto:legal@rackbank.com)

We will investigate the matter and are committed to resolve any privacy concerns that you may have.

RackBank commits to resolve complaints about your privacy and its collection or use of your Personal Information in accordance with this Privacy Policy and any applicable Indian laws.