



Introduction – SLA and Privacy Policy

Zendevor Online Backup's software and servers use AES encryption, and your data is encrypted on *your* machine before it is transmitted to Zendevor. Data is encrypted at all times while stored by Zendevor.

Users selecting Zendevor UltraSafe™ must retain their account name and password in a secure location such as a safe deposit box. Accounts created using UltraSafe cannot be accessed by Zendevor and if a user loses his password, the data cannot be accessed.

The Zendevor EULA follows a simple and direct privacy policy. Zendevor does not share account information with anyone except as required by law. (Zendevor cannot access data stored with UltraSafe even under a Court order; the data is encrypted and the correct password must be supplied to access the data.) Billing data is maintained securely by Zendevor's billing partner.

Additionally, Zendevor maintains deleted files until specifically removed by the user. Zendevor also maintains all versions of the file that a user sends to the Zendevor InfiniScale™ servers.

Zendevor provides a 99.9% data access service level agreement (SLA).

Zendevor datacenters are level Tier III and Tier IV as certified by The Uptime Institute.

Zendevor provides an additional level of assurance that is not otherwise available from other backup services. All data is replicated in two datacenters, eliminating datacenters as a single point of failure. Competitors' SLAs are premised on the performance of a single datacenter.

Regulatory Compliance

HIPAA

Zendevor Online Backup when used with UltraSafe complies with the record backup requirement and privacy requirements of HIPAA. No additional contract is required with Zendevor. A longer certification is available on request.

SARBANES-OXLEY and other auditing standards

Zendevor Online Backup when used with UltraSafe meets all SEC and similar regulatory standards.

Zendevor Online Backup - Safe Harbor Data Privacy Policy

Zendevor Online Backup (“Zendevor”) provides secure, off-site backup and local backup software, and abides by the Safe Harbor Principles of the United States Department of Commerce.

Zendevor respects the individual privacy of its customers. In all cases Zendevor treats personal information in a manner consistent with the laws of the countries in which Zendevor does business, but it also aims to uphold the highest applicable ethical standards in all its business activities.

Effective February 10, 2009, this Privacy Policy sets forth the privacy principles that Zendevor follows with respect to the protection and transfers of personal information, whether it is in electronic, paper or verbal format, between the United States and the EU. This statement applies to all personal information Zendevor processes (except as noted below), including on-line, off-line, and manually processed data. Any employee whom Zendevor determines is in violation of this Privacy Policy will be subject to disciplinary process, up to and including termination.

Safe Harbor

Consistent with its commitment to protect personal privacy, Zendevor declares that it adheres to the *Safe Harbor Principles* embodied in the Safe Harbor Agreement concerning the transfer of personal data from the European Union to the United States of America. The United States Department of Commerce and the European Commission have agreed on the Safe Harbor Principles as they are articulated in a set of data protection principles and frequently asked questions as a means to enable U.S. companies to satisfy EU law requirements for adequate protection of personal information transferred from the EU to the United States. If there is a conflict between the provisions of this Privacy Policy and the Safe Harbor Principles, the Safe Harbor Principles will govern.

Definitions

The following definitions apply to all statements throughout this Privacy Policy.

"Personal information" means any information or set of information that is transferred from the EU to the United States, is recorded in any form, pertains to or is about any individual, and can be linked to or used to identify that individual. Personal information does not include information that is encoded, anonymized, or publicly available information that has not been

combined with non-public personal information. Personal information does not include information that pertains to or is about a specific individual, but from which that individual could not reasonably be identified.

"Sensitive personal information" means personal information that reveals race, ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, or that concerns health or sex life. For purposes of this Privacy Policy, Zendevor will treat as sensitive personal information any information received from a third party where that third party treats and identifies the information as sensitive.

The Privacy Principles

Zendevor's operations and processing of personal information conform to the following Safe Harbor Privacy Principles as stated below under the heading of each principle.

Notice and Change

To the extent permitted by the Safe Harbor Agreement, Zendevor reserves the right to process personal information in the course of providing professional services to Zendevor's clients and customers without the knowledge of individuals involved. If and when Zendevor collects personal information directly from individuals in the EU, Zendevor will inform them about the types of personal information it collects from them, the purposes for which Zendevor collects and uses it, and the types of non-agent third parties to which Zendevor discloses that information. Zendevor will also inform those individuals about the choices and means, if any, that Zendevor offers to limit the use or disclosure of their information.

Disclosures and Transfers

Zendevor will not disclose an individual's personal information to third parties, except when one or more of the following conditions is true:

- a) Zendevor has the individual's permission to make the disclosure;
- b) The disclosure is required by law or professional standards;
- c) The disclosure is reasonably related to the sale or disposition of all or part of Zendevor's business;
- d) The information in question is publicly available;
- e) The disclosure is reasonably necessary for the establishment or defence of legal claims; or

f) The disclosure is to another Zendevor entity or to persons or entities providing services on Zendevor's or the individual's behalf (each a "transferee"), consistent with the purpose for which the information was obtained, if the transferee, with respect to the information in question:

1. Is subject to law providing an adequate level of privacy protection;
2. Has agreed in writing to provide an adequate level of privacy protection; or
3. Subscribes to the Safe Harbor Principles.

Permitted transfers of information, whether to third parties or within Zendevor, include the transfer of data from one jurisdiction to another, including transfers to and from the U.S. Because privacy laws vary from one jurisdiction to another, personal information may be transferred to a jurisdiction where the laws provide less or different protection than the jurisdiction in which the information originated.

Data Security

To prevent unauthorized access or disclosure, to maintain data accuracy, and to ensure the appropriate use and confidentiality of information, either for its own purposes or on behalf of its clients, customers and business partners, Zendevor has put in place and rigorously enforces appropriate physical, electronic, and managerial procedures to safeguard and secure the information that Zendevor processes. However, Zendevor cannot guarantee the security of information on or transmitted via the Internet.

Data Integrity

Zendevor processes personal information only in ways compatible with the purpose for which it was collected or subsequently authorized by the individual. To the extent necessary for such purposes, Zendevor takes reasonable steps to make sure that personal information is accurate, complete, current, and otherwise reliable for its intended use.

Access and Correction

If an individual becomes aware that information Zendevor maintains about that individual is inaccurate, or if an individual would like to update or review that individual's information, the individual may contact Zendevor using the contact information below. In every case, Zendevor will take reasonable steps to permit individuals to correct, amend, or delete information that is demonstrated to be inaccurate. The individual seeking to amend such information will need to provide sufficient identifying information, such as name, address, birth date, and social security number. Zendevor may request additional identifying information as a security precaution. In addition, Zendevor may limit or deny access to personal information where providing such

access would be unreasonably burdensome or expensive in the circumstances, or as otherwise permitted by the Safe Harbor Agreement. In some circumstances, Zendevor may charge a reasonable fee, where warranted, for access to personal information.

Enforcement and Dispute Resolution

Zendevor utilizes the self-assessment approach to assure its compliance with this Privacy Policy. Zendevor periodically verifies that this Privacy Policy is accurate, comprehensive for the information intended to be covered, prominently displayed, completely implemented, and in conformity with the Safe Harbor Principles. Zendevor encourages interested persons to raise any concerns about its implementation of this Privacy Policy using the contact information below. Zendevor will investigate and attempt to resolve complaints and disputes regarding use and disclosure of personal information in accordance with the principles contained in this Privacy Policy.

Any claim arising out of or relating to Zendevor's adherence to the EU Data Directive, or the breach thereof, that cannot be resolved through Zendevor's internal processes, will be settled by arbitration administered by the American Arbitration Association ("AAA") in accordance with its applicable commercial rules. Any arbitrator will be either an attorney or retired judge having significant and recognized experience with and knowledge of privacy issues and information technology. The arbitration panel should apply California law, without regard to its conflict of laws principles, as well as the Safe Harbor Enforcement Principles issued by the U.S. Department of Commerce. In addition, the exclusive location for such arbitration will be Los Angeles & California. All decisions of the arbitration panel will be final and binding on the parties, which waive any right to appeal the arbitration award further, to the extent an appeal may be lawfully waived.

Zendevor is also subject to the jurisdiction of the U.S. Federal Trade Commission.

Changes

Zendevor may change this Privacy Policy from time to time, consistent with the requirements of the Safe Harbor Principles or the United States Department of Commerce. Zendevor will post any revised privacy policy in its work places, train its employees about such changes and how to comply with them, and will publish any amended privacy policy on this Web site or a similar Web site that replaces this Web site.

Information Subject to other Policies or Standards

Zendeavor is committed to following the Safe Harbor Principles for all personal information within the scope of the Safe Harbor Agreement. Certain information, however, is subject to policies of Zendeavor that may differ in some respects from the provisions of this Privacy Policy. Information subject to such additional policies includes information obtained from or relating to a client, customer or business partner or former client, customer or business partner that is subject to the terms of any privacy notice to or agreement with such client, customer or business partner, any engagement letter or letters with such client, customer or business partner, and applicable laws and professional standards.

Contact Information

Questions or comments regarding Zendeavor's Safe Harbor certification and this Privacy Policy should be submitted to Zendeavor by mail or e-mail as follows:

Chief Executive Office
Zendeavor Online Backup
67 Star Drive
Chillicothe, Ohio 4560
United States

