

PRIVACY AND DATA COLLECTION POLICY

September 19, 2008

This privacy and data collection policy (the “Policy”) covers Cortex I.T. Pty Ltd’s (“Cortex IT,” “us,” or “our”) Centralized Monitoring service (“the Service”) website, www.BackupAssist.com/cmc (“the Site”). By using the Service, you consent to the data practices described in this Policy, as the same may be updated from time to time.

Scope

This Policy does not apply to third parties independent of us, including operators of websites to which you may create a link to the Site. This Policy also does not apply to any offline collection of personally identified information or the treatment of the same when such information is collected outside of the Site.

What information do we gather?

The Content outlined below is transmitted by BackupAssist™ software to the Site to enable the provision of the Service to you. You agree that Cortex IT may amend or modify the scope of the Content at any time, without prior notice. The changes become effective immediately upon posting such amended or modified terms on the Site or if Cortex IT otherwise notifies you of such amended or modified terms

The data outlined below is transmitted by BackupAssist™ software using secure web protocol to our CMC servers:

For authentication purposes

1. Centralized Monitoring Account ID
2. Pre-shared Authorization Key (a non-human-readable hash)
3. BackupAssist Installation ID (a non-human-readable GUID)
4. BackupAssist Product Keys

For reporting purposes

1. The HTML report (same as the report viewable from the BackupAssist Console) and the data contained therein (such as status, start date/time, end date/time, BackupAssist version, computer name, any warning or errors, data size, etc.)
2. Backup Engine Type (eg. NTBackup, SQL, Exchange Mailbox, Drive Imaging, File Replication)
3. Job key and execution key
4. Next expected run date

5. Organization name for the client (to identify them in the reports)

How do we use the information we gather?

You permit us to use the Content for the purpose of providing you with better reporting, improving our products and services to you. *For example, periodically we may choose to data mine and rank the most commonly reported errors to try to solve them or streamline the debugging process.*

The Content transmitted by BackupAssist™ software will not be associated with personal contact information such as names of contact persons, addresses or phone numbers.

How long is the Content stored?

It is anticipated that data will be stored for 100 days to meet the current minimum reporting requirements. However, the minimum storage periods may change and data could be stored for longer. Data is stored on our CMC servers, which currently dedicated servers hosted by reputable Managed Hosting providers – they are not shared with any other company or user.

When we ask you for personal information

In order to use the CMC service, you may be required to set up an individual account. This requires the completion of a registration process. This information is used to identify the specific individual utilizing the CMC service. Users may provide optional identifying information, demographic information, and unique identifiers to enable us to provide a more personalized experience on the site.

We will not sell or otherwise provide your personal information to a third party, or make any other use of your personal information, for any purpose which is not incidental to your use of this site. For the removal of doubt, personal information will not be used for any purpose which a reasonable person in your position would not expect.

If you request us not to use personal information in a particular manner or at all, we will adopt all reasonable measures to observe your request but we may still use or disclose that information if:

- we subsequently notify you of the intended use or disclosure and you do not object to that use or disclosure;
- we believe that the use or disclosure is reasonably necessary to assist a law enforcement agency or an agency responsible for government or public security in the performance of their functions; or
- we are required by law to disclose the information.

We will preserve the content of any e-mail you send us if we believe we have the legal requirement to do so.

Your e-mail message content may be monitored by us for trouble-shooting or maintenance purposes or if any form of e-mail abuse is suspected.

Personal information which we collect may be aggregated for analysis but in such circumstances we would ensure that individuals remain anonymous.

All personal information which we collect (including your contact details and, if relevant, credit card details) is kept confidential to the best of our ability. You will appreciate, however, that we cannot guarantee the security of transmission.

You are entitled to have access to any personal information relating to you which you have previously supplied to us over this Site. You are entitled to edit or delete such information unless we are required by law to retain it.

If you wish to comment on or query our Privacy and Data Collection Policy, or if you wish to make an inquiry regarding any personal information relating to you which may be in our possession, contact us on sales@backupassist.com.