

# Instana, Inc. Product Privacy Policy

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## 1. An overview of data protection

### General information

The following information will provide you with an easy to navigate overview of what will happen with your personal data when you use any of Instana's products. The term "personal data" comprises all data that can be used to directly or indirectly personally identify you.

### Controller

For the purposes of European Economic Area data protection law ("Data Protection Laws"), Instana is the data controller for the data processed in connection with this product. For more information and how to contact Instana, please see the contact details at the end of this privacy policy.

### Data collected from your use of the Instana product

We collect your data from you as a result of your sharing of your data with us. This may, for instance be information you give us when you sign up for an account with us, register for our self-service product, register your interest in our products, sign up to receive our newsletter, or if you email or phone us. We may also ask you to share your opinions on our products at certain times.

Our IT systems record other data when you use our products. This data comprises primarily technical information (e.g. IP address, web browser type and version, to, through and from our product website (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), methods used to browse away from the page, and any phone number used to call our customer service number or social media handle used to connect with our customer service team.

We also collect location data through the product as to your real time location to provide location services where requested or agreed to by you in order to deliver content, advertising or other services that are dependent on knowing where you are. This information may also be collected in combination with an identifier associated with your device to enable us to recognize your mobile browser or device when you return to the product website.

Please see our website privacy policy for information about data we collect from your use of our public website, which can be found here

<https://www.instana.com/privacy-policy/>.

## **What are the purposes we use your data for?**

At the end of this document, you can see a full list of the types of data we process, the purpose for which we process it and the lawful basis on which it is processed.

We use information held about you in the following ways and in our legitimate interests:

- To sign you up for an account with us, or to register you for a self-service account.
- To administer your company's product licence.
- To administer our products and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes.
- To guarantee the error free provision of the product site and make improvements.
- To ensure that content from the product is presented in the most effective manner for you and your device.
- To provide you with the information, products and services that you request from us.
- To analyse your user patterns.
- To ask for your opinions on our products, but we will only do this with your consent.

We may also use your personal information to provide you with information about our products or services we feel may interest you, if you have given your consent to receiving marketing material from us at the point we collected your information, where required by law or otherwise in our legitimate interests provided these interests do not override your right to object to such communications. See 'Our promotional updates and communications'.

## **Our promotional updates and communications**

Where permitted in our legitimate interests or with your prior consent where required by law, we will use your personal information for marketing analysis and to provide you with promotional update communications, such as our newsletter, by email about our products and services.

You can object to further marketing at any time by selecting the "unsubscribe" link at the end of all our marketing and promotional update communications to you, or by sending us an email to [dataprotection@instana.com](mailto:dataprotection@instana.com).

## **Who we share your information with**

We may share your information with:

- Any member of the Instana group, who support our processing of personal data under this policy.
- Selected third parties, which may include:

- Organizations that process your personal data on our behalf and in accordance with our instructions and the Data Protection Law. This includes in supporting the services we offer through the site in particular those providing website and data hosting services, providing fulfilment services, distributing any communications we send, supporting or updating marketing lists, facilitating feedback on our services and providing IT support services from time to time. These organizations (which may include third party suppliers, agents, sub-contractors and/or other companies in our group) will only use your information to the extent necessary to perform their support functions.
- Advertisers and advertising networks that require the data to select and serve relevant adverts to you and others. We do not disclose information about identifiable individuals to our advertisers, but we will provide them with aggregate information about our users (for example, we may inform them that 500 men aged under 30 have clicked on their advertisement on any given day). We may also use such aggregate information to help advertisers reach the kind of audience they want to target. We may make use of the personal data we have collected from you to enable us to comply with our advertisers' wishes by displaying their advertisement to that target audience and subject to the cookie section of this policy.
- Analytics and search engine providers that assist us in the improvement and optimization of our site and subject to the cookie section of this policy (this will not identify you as an individual).

We will disclose your personal information to third parties:

- In the event that we sell or buy any business or assets, in which case we will disclose your personal data to the prospective seller or buyer of such business or assets subject to the terms of this privacy policy.
- If Instana 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.
- If we are under a duty to disclose or share your personal data in order to comply with any legal obligation or to respond to lawful requests by public authorities, including to meet national security or law enforcement requirements, or in order to enforce or apply our terms of supply terms and other agreements with you; or to protect the rights, property, or safety of Instana, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and to prevent cybercrime.

### **How we protect your information**

We take the security of your personal information very seriously and all the information that you provide to us is stored on our secure servers. For security reasons and to protect the transmission of confidential content, such as purchase orders or inquiries you submit to us as the product website operator, this website uses either an SSL or a TLS encryptio. You can recognize an encrypted connection

by checking whether the address line of the browser switches from "http://" to "https://" and also by the appearance of the lock icon in the browser line. If the SSL or TLS encryption is activated, data you transmit to us cannot be read by third parties.

Unfortunately, the transmission of data via the Internet may be prone to security gaps. Although we do our best to protect your personal data, we cannot guarantee the security of your data transmitted to your site and any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorized access.

### **How long we keep your information for**

The length of time for which we retain your personal data depends on the type of personal data and the purposes for which we are processing it. We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for or otherwise permitted by applicable laws.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. If you would like more information about our retention periods, please contact us at [dataprotection@instana.com](mailto:dataprotection@instana.com).

### **What rights do you have as far as your information is concerned?**

You have the right to receive information about the source, recipients and purposes of your archived personal data at any time, and this information is set out in this privacy policy. You also have the right, in certain circumstances, to ask that your data are rectified or erased and to request to be provided with a copy of the personal data that we hold about you. You also have the right to request that we restrict the processing of your personal data or to object to further processing of your personal data, including the right to object to marketing, or to request that your personal data be moved to a third party.

Please do not hesitate to contact us at any time if you have questions about this or any other data protection related issues. You also have the right to log a complaint with the competent supervising agency (for a list of the European data protection bodies please see [http://ec.europa.eu/justice/data-protection/bodies/authorities/index\\_en.html](http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.html)).

### **Revocation of your consent to the processing of data**

A range of data processing transactions are possible only subject to your express consent. You can also revoke at any time any consent you have already given us, without detriment (if we are relying on consent for the processing of your personal data). To do so, send us an email to [dataprotection@instana.com](mailto:dataprotection@instana.com). This shall be without prejudice to the lawfulness of any data collection that occurred prior to your revocation.

## **Analysis tools and tools provided by third parties**

There is a possibility that your browsing patterns will be statistically analyzed when you use our products. Such analyses are performed primarily with cookies and with what we refer to as analysis programs. As a rule, the analyses of your browsing patterns are conducted anonymously; i.e. the browsing patterns cannot be traced back to you.

You have the option to object to such analyses or you can prevent their performance by not using certain tools. For detailed information about the tools and about your options to object, please see below.

## **International Data Transfer**

We primarily store your personal data in the United States and the European Economic Area (the “EEA”).

Instana complies with the EU-U.S. Privacy Shield as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European to the United States. Instana has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>. In order to enforce compliance with the EU-U.S. Privacy Shield Framework, Instana is subject to the investigatory and enforcement authority of the U.S. Federal Trade Commission (“FTC”).

Instana adheres to the Principal of Accountability for onward transfers. As described above, personal information might be transferred and stored outside the European Economic Area (“EEA”) to sub processors working on our behalf.

We have applied appropriate safeguards for transfers of data outside the EEA that require your personal information to remain protected among our affiliates and other third-parties described in this document. The appropriate safeguards include the implementation of the European Standard Contractual Clauses, which require all companies involved to protect the personal data they process in accordance with GDPR. For more information about these safeguards please contact us at [dataprotection@instana.com](mailto:dataprotection@instana.com).

If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third party dispute resolution provider (free of charge) at <https://feedback-form.truste.com/watchdog/request>. Under certain conditions specified by the Privacy Shield Principles and described at: <https://www.privacyshield.gov/article?id=How-to-Submit-a-Complaint>, you may be able to invoke binding arbitration to resolve your complaint.

## **4. Cookies**

In some instances, our product and its pages use so-called cookies. Cookies do not cause any damage to your computer and do not contain viruses. The purpose of

cookies is to make our product more user friendly, effective and more secure. Cookies are small text files that are placed on your computer and stored by your browser. Please see our cookie policy for information:  
<https://www.instana.com/cookie-policy>.

**Information about the controller**

INSTANA, Inc.  
222 South Riverside Plaza, 15th Floor  
Chicago, IL 60606, USA

E-mail: [dataprotection@instana.com](mailto:dataprotection@instana.com)

**Affiliates of the controller**

INSTANA GmbH  
Dunkelnberger Str. 39  
42697 Solingen, Germany

INSTANA UK LIMITED  
5 New Street Square  
London, EC4A 3TW, United Kingdom

INSTANA DOO NOVI SAD  
Futoška 71, 21000 Novi Sad  
Južno-Bački, Serbia

The controller is the natural person or legal entity that single-handedly or jointly with others makes decisions as to the purposes of and resources for the processing of personal data (e.g. names, e-mail addresses, etc.).

## Purpose and lawful basis for processing of personal data

This table sets out:

- What personal data we process
- What we use that data for
- The lawful basis for the processing

<b>Purpose/Activity</b>	<b>Type of data</b>	<b>Lawful basis for processing including basis of legitimate interest</b>
To sign you up for an account with us or register you for a self-service account, and provide our services	(a) Identity (b) Contact	Performance of a contract with you or legitimate interests
To manage our relationship with you which will include:  (a) Notifying you about changes to our terms or privacy policy  (b) Administer your company's product licence	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you  (b) Necessary to comply with a legal obligation  (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)
Asking you to leave a review or complete a survey and using your opinions to improve our products	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) opinions	(a) Consent  (b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)
To administer and protect our business and our	(a) Identity	(a) Necessary for our legitimate interests (for running our

<p>product website (including troubleshooting, data analysis, testing, system maintenance, provision of the live chat, support, reporting and hosting of data)</p>	<p>(b) Contact (c) Technical</p>	<p>business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)</p> <p>(b) Necessary to comply with a legal obligation</p>
<p>To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you.</p> <p>To carry out Twitter and LinkedIn conversion tracking</p>	<p>(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical</p>	<p>Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)</p>
<p>To use data analytics to improve our products, products/services, marketing, customer relationships and experiences</p>	<p>(a) Technical (b) Usage</p>	<p>Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)</p>
<p>To make suggestions and recommendations to you about goods or services that may be of interest to you and send you our newsletter</p>	<p>(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile</p>	<p>Necessary for our legitimate interests (to develop our products/services and grow our business)</p> <p>Consent where required</p>