

XPROTECT LIMITED PRIVACY POLICY

This Privacy Policy explains XProtect Limited's ("XProtect") policy regarding the collection and protection of Personal Data supplied by users or collected by us from users of the XProtect websites, including XProtect.co.nz and XProtect Online Managed Backup service (the "Service").

XProtect defines "Personal Data" as any data from which it is practical to directly determine the identity of an individual. Any capitalized terms not defined in this Privacy Policy have the meanings given in the Service's License and Service Agreement (the "User Agreement"). This Privacy Policy may be updated by XProtect from time to time. XProtect will provide notice of materially significant changes to the Privacy Policy by posting notice on its websites.

By registering to use the XProtect Service, you agree (1) to comply with the terms and conditions of this Privacy Policy and (2) that XProtect may process (i.e., collect, use, etc.) your Personal Data as described in this Privacy Policy or the User Agreement. Personal Data may be processed by XProtect in the country where it was collected as well as other countries (including the United States) where laws regarding processing of Personal Data may be less stringent.

HOW XPROTECT USES INFORMATION

Personal Data

We **will not** sell or market the email addresses or other collected personal information of registered Users to third parties.

We **will not** view the files that you backup using the Service.

We **may** view your file system information (file extensions, sizes etc. but **not** your file contents) to provide technical support.

You acknowledge and agree that XProtect may occasionally send you administrative communications regarding your account or the Service via email.

Cookies and Passive Data Collection

XProtect uses cookie, IP address, and URL information to improve and further develop the Service, and to provide enhanced features to Users, where available. XProtect uses cookies to save User screen names, session validators, and on Users' browsers and hard drives, and may use them to provide tailored products and services to those Users, as they become available.

IP Addresses also help us to diagnose problems with our servers, to administer the Service, and to otherwise provide the Service to our Users.

USER INFORMATION XPROTECT COLLECTS

Personal Data

Once you register with XProtect and sign in to the Service, you are not anonymous to XProtect. When registering with XProtect, you provide Personal Data, which may include company name, industry, number of employees, phone number, your title, city, state, country, zip code, a user name, confirmed email address, and a password. When backing data up with the Service, you send us that data and you also are sending file system information, including names of files and directories. XProtect may also record your IP address when you submit information.

XProtect also may collect, at your option, certain preference and demographic information from you.

All information collected by XProtect is used for internal purposes of providing the Service, providing support to users, and to improve services. Aggregating non-identifying information supplied by users allows XProtect to understand its user base and to improve services.

To protect your account information, please keep your password secure.

All Users may opt to remove their Personal Data from our live database by contacting XProtect and cancelling their XProtect user account. Users of the XProtect version of the Services may also cancel their user account by logging into their account, selecting My Profile, and clicking on Delete Account.

XProtect does not intentionally gather Personal Data about visitors who are under the age of 13.

Cookies and Passive Data Collection

XProtect automatically receives and records information on our server logs from your browser, including your IP address, cookie information, and the page you request.

Users should be aware that other websites visited before entering the XProtect website might place Personal Data within a User's URL during a visit to their website, and XProtect has no control over such websites. Accordingly, some of this information may be logged by XProtect.

Links to Third Party Sites

The XProtect websites may contain links to other sites that are not under our control. These web sites have their own policies regarding privacy. You should review those policies before visiting the web sites. We have no responsibility for linked web sites, and we provide these links solely for the convenience and information of our visitors.

DISCLOSURES

XProtect Service Providers

XProtect does not disclose Personal Data to third parties, except to process credit card information for orders. However, at a future time, XProtect may need to provide users' Personal Data to other third parties to deliver specific services to the user (such as hosting services or support services). These third parties will be required to adhere to Safe Harbour

Privacy Principles or at a minimum XProtect will require the third party to certify they follow privacy protection equal to XProtect's. Users will also be provided with a mechanism to opt-out of having their Personal Data viewed by such third parties.

Law Enforcement; Subpoenas

XProtect may disclose Personal Data, including the data you back up with the Service, with or without notice (a) if required by a subpoena or other judicial or administrative order, (b) where required by law, or (c) at our sole discretion, where we deem it necessary to protect the safety of any individual or the general public or to prevent violation of our User Agreement or the rights of XProtect or any third party.

Change of Ownership

In the event of a change in ownership, or a direct merger or acquisition with another entity, we reserve the right to transfer all of XProtect User information, including Personal Data, to a separate entity. We will use commercially reasonable efforts to notify you (by posting on our website or an email to the email address you provide when you register) of any change in ownership, merger or acquisition of XProtect's assets by a third party, and you may choose to modify any of their registration information at that time.

SECURITY

XProtect uses industry standard security measures to protect against the loss, misuse and alteration of the information under our control. Although we make good faith efforts to store the information collected by XProtect in a secure operating environment that is not available to the public, XProtect cannot guarantee complete security. Further, while we take reasonable steps to ensure the integrity and security of our network and systems, we cannot guarantee that our security measures will prevent third-party "crackers" from obtaining this information.

UPDATING OR REMOVING USER INFORMATION

You may, at any time, choose to correct or update the information you have submitted to XProtect, by updating your account on our website.

If you cancel your account, your Personal Data and other information may be retained in our archive or backup records.

PRIVACY COMPLAINTS

If you have a dispute or complaint about privacy on a XProtect website, we kindly ask that you attempt first to resolve the issue directly with XProtect by contacting us at http://www.xprotect.co.nz/contact_us.

Adherence to European Union Safe Harbour Privacy Principles

XProtect has instituted measures and mechanisms to ensure adherence to the European Union Safe Harbour Privacy Principles. Among other requirements, adherence involves engaging an independent third party to resolve privacy disputes. If you are a European consumer and feel your privacy dispute or complaint has not been adequately resolved, the [Council of Better](#)

[Business Bureaus](#) has been contracted by XProtect to handle complaints that allege a failure to comply with the Safe Harbour Privacy Principles.

CONTACTING XPROTECT

Users with questions about this Privacy Policy and any of the aforementioned statements may contact XProtect the following ways:

Website

http://www.xprotect.co.nz/contact_us.

Postal

Attn: Privacy Policy
XProtect Limited
PO Box 21 690
Henderson, Auckland

REVISIONS TO THIS POLICY

XProtect reserves the right in our sole discretion to revise, amend, or modify this policy and our other policies and agreements at any time and in any manner. Notice of any revision, amendment, or modification of this policy will be posted on the XProtect websites, and a User's continued use of the Service will signify agreement to such changes.

REGISTRATION OR USE OF THE SERVICE SIGNIFIES YOUR AGREEMENT TO THE PRIVACY POLICY

Effective Date **June 12, 2007**