

# Privacy Policy

Effective: November 12, 2015

This Privacy Policy describes how Nginx Software, Inc. ("Nginx", "we" or "us") protects your privacy when using our website at <http://nginx.com> (the "Site").

PLEASE READ THIS PRIVACY POLICY CAREFULLY. BY ACCESSING OR USING THE SITE, YOU AGREE TO BE BOUND BY THE TERMS AND CONDITIONS DESCRIBED HEREIN AND ALL TERMS AND CONDITIONS INCORPORATED BY REFERENCE. IF YOU DO NOT AGREE TO ALL OF THE TERMS AND CONDITIONS SET FORTH BELOW, YOU MAY NOT USE THE SITE.

## Our Commitment to Privacy

This site is owned and operated by the Nginx. Your privacy on the internet is of the utmost importance to us. At Nginx, we want to make your experience online satisfying and safe.

Because we gather certain types of information about our users, we feel you should fully understand our policy and the terms and conditions surrounding the capture and use of that information. This privacy statement discloses what information we gather and how we use it.

## The Information We Collect

This notice applies to all information collected or submitted on the Site. On some pages, you can order products, make requests, and register to receive materials. Personal information collected at these pages might include:

- Name
- Address
- Email address
- Phone number
- Organization name
- Credit/Debit Card Information

On some pages, you can submit information about other people. For example, if you register someone else for a course or other product, or someone else, other than you, is paying for it, you will need to submit their information. In this circumstance, personal information collected might include:

- Name

- Address
- Email address
- Phone number
- Organization name
- Credit/Debit Card Information

On some pages, you can use online services. Online infrastructure monitoring service in particular may only work in combination with software tools that collect certain metrics and metadata, including the following types of data:

- System metadata, which is the basic information about the operating system environment you are using
- System metrics which is various data describing key system characteristics
- NGINX metadata which describes your NGINX instances
- NGINX related metrics.

As the primary purpose of an infrastructure monitoring system is to provide visualization and analysis of various metrics, above data collection is a pre-requisite to successful service delivery.

## The Way We Use Information

We use the information collected through the Site: (a) to communicate with you; (b) to process your requests and transactions; (c) to improve the Site; (d) to customize the services and/or products we provide to you; (e) to assist with our product and service development; (f) to perform marketing analysis; and (g) for other purposes related to our business.

We use non-identifying and aggregate information to better design our website. We use tracking information to determine which areas of our sites users like and don't like based on traffic to those areas. We do not track what individual users read, but rather how well each page performs overall.

Also, we may disclose the personal information we collect through the Site when we, in good faith, believe disclosure is appropriate to: (i) comply with applicable law (or a court order or subpoena); (ii) prevent or investigate a possible crime, such as fraud or identity theft; (iii) enforce the Terms of Service or other agreements that govern your use of the Site and/or our services; (iv) to protect the rights, property or safety of us, our users or others; or (v) to protect your vital interests.

Personal information submitted to the Site or collected by us is our asset and will become part of our normal business records. Your personal information and other data collected by us may be transferred to another company that has acquired our stock or assets, for example, as a result of a sale, merger, reorganization, dissolution or liquidation. If such a transfer occurs, the acquiring

company's use of your personal information will still be subject to this Privacy Policy, and the privacy preferences you have expressed to us.

Finally, we never use or share the personally identifiable information provided to us online in ways unrelated to the ones described above without also providing you an opportunity to opt-out or otherwise prohibit such unrelated uses.

## Passive Collection of Information

When you visit the Site, some information may be automatically collected. For example, it is standard for your web browser to automatically send information to every web site you visit including ours. Such information includes your computer's Internet Protocol ("IP") address, access times, browser type and language, and referring web site addresses. We may also collect information about your computer's operating system and information about your usage and activity on the Site.

## Our Commitment to Data Security

To prevent unauthorized access, maintain data accuracy, and ensure the correct use of information, we have put in place appropriate physical, electronic, and managerial procedures to safeguard and secure the information we collect online. We take reasonable security measures to protect your personal information (including, preventing the loss, misuse, unauthorized access, disclosure, alteration and destruction of your personal information). Please be aware, however, that despite our efforts, no security measures are impenetrable.

If you use a password on the Site, you are responsible for keeping it confidential. Do not share it with any other person. If you believe your password has been misused, please advise us immediately.

The moment we successfully collect the payment your credit card information is purged from our system.

## Storage of Information and Transfer of Data Abroad

Most of the information we collect is retained by us on our servers. If you are visiting the Site from a country other than the country in which our web servers are located (currently the United States of America) the various communications will necessarily result in the transfer of information across international boundaries. By visiting the Site and communicating electronically with us, you consent to the processing and transfer of your data as set out in this Privacy Policy.

## Our Commitment to Children's Privacy

Protecting the privacy of the very young is especially important. For that reason, we never collect or maintain information at our website from those we actually know are under 13, and no

part of our website is structured to attract anyone under 13. We may not intend to collect or solicit information from people who are minors. However, as a condition of use for minors in those countries or regions where information gathering from minors is considered illegal, guardians will be responsible for accompanying minors for prevention of any unexpected circumstances when they access the Site.

## Web Beacons

Web beacons, also known as gifs, are electronic images that may be used on the Site or in our emails. A web beacon may be used on our web pages to collect information, deliver cookies, count visits, compile statistics on usage and campaign effectiveness and in our emails to tell if an email has been opened and acted upon.

## Modifying Your Information; Opt-Out to Promotional Materials

We respect your right to make choices about the ways we collect, use and disclose your personal information. You may update or modify your information or change your privacy preferences at any time by emailing us at [nginx-inquiries@nginx.com](mailto:nginx-inquiries@nginx.com) or, in some instances, via the Site.

You may "opt-out" of receiving promotional communications including, without limitation, promotional emails, from us by emailing us at [nginx-inquiries@nginx.com](mailto:nginx-inquiries@nginx.com) or by clicking on the unsubscribe link on the bottom of non-operational communications we may send to you. Transactional service communications including, but not limited to, messages about your registration, will not be subject to the foregoing opt-in procedures.

## Canadian Anti-Spam Legislation

Nginx is committed to ensuring that all applicable recipients of Nginx' commercial electronic messages (CEM's) receive them in a manner that is consistent with Canada's Anti-Spam Legislation (CASL). Nginx will continue to send CEM's to applicable recipients in the following contexts:

- You have provided us with your email address directly without indicating a desire not to receive CEM's.
- You have published your email address online or otherwise.
- You have explicitly informed Nginx (verbally or otherwise) that you are interested in continuing to receive CEM's.
- You have a business relationship with Nginx.
- Nginx is responding to a request for information from you.
- A third-party with whom you have an existing relationship has referred Nginx to you.

In the event you no longer wish to receive CEM's from Nginx, email us at [nginx-inquiries@nginx.com](mailto:nginx-inquiries@nginx.com) or reply to the electronic message / email address sent to you, with the word "Unsubscribe." Our CEM's also contain this information on how to unsubscribe from receiving CEM's. Your request will be processed as soon as possible, and no later than ten (10) days after you send the request.

## Special Notification for California Residents

California Civil Code Section 1798.83, also known as the Shine The Light law, permits our clients who are California residents to request and obtain from us once a year, free of charge, information about the personal information (if any) we disclosed to third parties for direct marketing purposes in the preceding calendar year. To obtain such information, please contact us at [nginx-inquiries@nginx.com](mailto:nginx-inquiries@nginx.com).

## Changes to This Privacy Policy

We may change this Privacy Policy from time-to-time. If we make any changes to this Privacy Policy, we will change the "Last Updated" date above. We encourage you to review this Privacy Policy whenever you visit the Site to understand how your personal information is used.

## How to Contact Us

Should you have other questions or concerns about these privacy policies, please contact us at [nginx-inquiries@nginx.com](mailto:nginx-inquiries@nginx.com).