



**Spark::red**  
Oracle Commerce Hosting

## GDPR Statement

### Introduction

Spark::red, Inc. ("Spark::red") provides hosted infrastructure services, application support and disaster recovery solutions to help businesses deploy and secure their applications, websites, databases, enabling them to be more agile. Often, these services entail that Spark::red servers receive and store "personal data" as defined in EU data protection laws.

Spark::red clients may use Spark::red's services to store, transmit, encrypt, decrypt, modify, process, and otherwise manipulate and/or transmit this personal data as they see fit. Spark::red provides the infrastructure for businesses to build on, but Spark::red does not control how its infrastructure is used specifically, thus there are a wide range of applications and ways that personal data may be processed on top of the Spark::red services.

### EU Data Processing laws

Although Spark::red is a US based company, Spark::red takes EU Data Processing laws seriously. Spark::red's intention is to comply with EU Data Processing laws, including GDPR.

### Processing operations and role

In relation to EU privacy laws, Spark::red categorizes processing of personal data into two categories:

1. In most applicable cases, Spark::red merely stores, transmits or manages data for its customers at the direction of the customers. In these respects, Spark::red is simply a processor of customer data.
2. Spark::red collects and stores basic contact information, billing contact information, communication records, and other information for the purposes of providing services, authentication of customers, billing for services, etc. In these respects, Spark::red is a controller of its own customer data. For customer data that Spark::red stores for the purposes described here, Spark::red will comply with its Privacy Policy, as posted online at <https://www.sparkred.com/wp-content/uploads/2020/06/Privacy-Policy.pdf>.

### Roles and Responsibilities

- Access: Customer specifies who has access to systems; Spark::red provides tools and general network and physical level security
- Storage: Customer decides what to store; Spark::red provides the environment where the data is stored

- Transmission: Customer makes content available on the internet; Spark::red provides network connectivity for this content to be accessed remotely by users
- Security: Subject to customer's own obligations to maintain a current and supported version of hosted software, Spark::red implements security measures intended to secure the environment and connections. Spark::red can deliver additional and/or alternative measures upon customer's request. Customer decides what security measures are implemented within the application and what passwords are used to protect it; Spark::red can provide assistance in this regard
- Disclosure: Spark::red will not disclose unless required by law or a binding judicial order
- Compliance with other elements of data protection laws, such as data subject rights, data breaches, data protection impact assessment, prior consultation: Spark::red can provide assistance upon customer's request

#### Applicability of GDPR

The GDPR applies to Spark::red's processing activities for its customers if:

- The customer uses Spark::red's services in the context of its activities of its establishments in the EU;
- The customer uses Spark::red's services of Spark::red's establishment in the EU (in Amsterdam, the Netherlands); or
- The customer uses Spark::red's services for:
  - Offering goods or services to data subjects in the EU; or
  - Monitoring the behavior of data subjects in the EU

In this respect, we request our customers to inform us when they intend to use our services in the context of any EU establishment or if they otherwise feel that the GDPR is applicable to the processing of their data (cat. 1).

Note that for the personal data we process for our own purposes (cat. 2) and for which we would be the controller, the GDPR only applies to the extent that:

- The processing occurs in the context of the activities of the Spark::red establishment in the EU (Amsterdam, the Netherlands);
- The processing relates to:
  - Offering goods or services directly to data subjects in the EU; or
  - The monitoring of the behavior of data subjects in the EU.

## GDPR compliance

To ensure GDPR compliance Spark::red undertakes the following:

- Spark::red is EU-US and US-Swiss Privacy Shield certified
- Spark::red enters into data processing agreements with its customers if the GDPR applies to the processing of their data
- Spark::red enters into sub-processing agreements with its providers if necessary
- Spark::red implements up-to-date security measures, performs regular audits, and is willing to evaluate the implementation of additional measures upon customer's request
- In areas applicable to GDPR, Spark::red offers its customers assistance in relation to security, data subject rights, data breaches, data protection impact assessment, prior consultation and other elements of the GDPR.

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