

MicroStrategy Cloud™ Privacy Shield Policy

Effective Date: January 19, 2017

Introduction

MicroStrategy Incorporated and MicroStrategy Services Corporation (collectively, “MicroStrategy”) comply with the principles of the EU-U.S. Privacy Shield Framework (the “Principles”) as set forth by the U.S. Department of Commerce regarding the collection, storage, use, transfer and other processing of Personal Data transferred from MicroStrategy’s Customers in the European Economic Area (“EEA”) to the United States that is stored in MicroStrategy Cloud, as further described in the “Scope” section below. This Privacy Shield Policy (this “Policy”) outlines MicroStrategy’s commitment to the Principles and its practices for implementing the Principles. MicroStrategy’s Privacy Shield certification with respect to MicroStrategy Cloud can be found [here](#). To learn more about the Privacy Shield Framework, please visit the Department of Commerce’s dedicated Privacy Shield website, located [here](#).

Definitions

Customer – means any entity that has a contractual right with MicroStrategy to use MicroStrategy Cloud to store data.

Data Controller – means a person or organization which, alone or jointly with others, determines the purposes and means of the processing of Personal Data.

Data Processor – means any natural or legal person, public authority, agency or other body that processes Personal Data on behalf of a Data Controller.

Employee – means any current, former or prospective employee, intern, temporary worker or contractor of MicroStrategy or any of its EEA subsidiaries or affiliates, or any related individual whose Personal Data MicroStrategy processes in connection with an employment relationship, who is located in the EEA.

End User – means any natural person who is located in the EEA, but excludes any individual acting in his or her capacity as an Employee.

MicroStrategy Cloud – means cloud data center environments designated as MicroStrategy Cloud 3.0 or higher that are hosted and managed by MicroStrategy, and located in a MicroStrategy designated co-location facility in Ashburn, Virginia, or with infrastructure-as-a-service providers.

Personal Data – means any information, including Sensitive Data, that (i) is about an identified or identifiable individual, (ii) is received by MicroStrategy in the United States from the EEA that is stored in MicroStrategy Cloud, and (iii) is recorded in any form.

Sensitive Data – means Personal Data specifying medical or health conditions, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, sex life, the commission or alleged commission of any offense, any proceedings for any offense committed or alleged to have been committed by the

individual or the disposal of such proceedings, or the sentence of any court in such proceedings.

Scope

MicroStrategy commits to comply with the Principles with respect to Personal Data it receives from its Customers in the EEA that is stored in MicroStrategy Cloud. MicroStrategy acts as a Data Processor for Personal Data stored in MicroStrategy Cloud and processes such Personal Data in accordance with Customers' instructions. The applicable Customer is the Data Controller for such data. MicroStrategy may also access or obtain Personal Data on behalf of a Customer for the purpose of providing technical support, maintenance, consulting services and security incident detection and response in connection with MicroStrategy Cloud or as otherwise directed by such Customer.

Types of Personal Data Collected

MicroStrategy stores and processes Personal Data at the direction of and pursuant to the instructions of MicroStrategy's Customers, including Personal Data and Sensitive Data its Customers upload to MicroStrategy Cloud.

In addition, MicroStrategy collects certain technical information from Customers in connection with the provision of technical support, maintenance and consulting services, including user names and machine names of End Users. MicroStrategy also collects IP addresses of End Users in connection with security incident detection and response. Additionally, MicroStrategy collects information about its Customers, including a Customer's company name and address, credit card information, and the Customer representative's contact information for billing and contracting purposes ("Customer Information").

Purposes of Collection and Use

MicroStrategy may use Personal Data submitted by its Customers as necessary to provide MicroStrategy Cloud services, and to carry out MicroStrategy's contractual obligations to its Customers. MicroStrategy also uses Customer Information in connection with providing MicroStrategy Cloud services and maintaining MicroStrategy's relationships with its Customers.

Third-Party Disclosures

MicroStrategy may disclose Personal Data that its Customers upload to MicroStrategy Cloud, or Customer Information:

- to its subsidiaries and affiliates;
- to its infrastructure-as-a-service providers;
- in the event MicroStrategy sells or transfers all or a portion of its business or assets (including in the event of a merger, acquisition, joint venture, reorganization, dissolution or liquidation), in which case Personal Data held by MicroStrategy about its Customers will be among the assets transferred to the buyer or acquirer;

- if required to do so by law or legal process;
- in response to lawful requests from public authorities, including to meet national security, public interest or law enforcement requirements; or
- when MicroStrategy believes disclosure is necessary to prevent physical harm or financial loss, or in connection with an investigation of suspected or actual illegal activity, to the extent permitted by applicable law.

Access

Individuals in the EEA generally have the right to access their Personal Data. As an agent processing Personal Data on behalf of its Customers, MicroStrategy does not own or control the Personal Data that it processes on behalf of its Customers, and does not have a direct relationship with the End Users whose Personal Data may be processed in connection with providing MicroStrategy Cloud. Since each Customer is in control of what information, including any Personal Data, it collects from End Users, how that information is used and disclosed, and how that information can be changed, End Users should contact the applicable Customer administrator with any inquiries about how to access or correct Personal Data uploaded to MicroStrategy Cloud. To the extent that an End User makes an access or correction request to MicroStrategy, it will refer the request to the appropriate MicroStrategy Customer and will cooperate with such Customer as needed in responding to any request.

Choice

In accordance with the Principles, MicroStrategy will offer End Users a choice to the extent it (i) discloses their Personal Data to third-party Data Controllers, or (ii) uses their Personal Data for a purpose that is materially different from the purposes for which the Personal Data was originally collected or subsequently authorized by the End User. To the extent required by the Principles, MicroStrategy will also obtain opt-in consent if it engages in certain uses or disclosures of Sensitive Data. Unless MicroStrategy offers End Users an appropriate choice, MicroStrategy uses Personal Data only for purposes that are materially the same as those indicated in this Policy.

MicroStrategy may disclose Personal Data of End Users without offering an opportunity to opt out of such disclosures, and may be required to disclose the Personal Data, (i) to its subsidiaries and affiliates, (ii) to its infrastructure-as-a-service providers, (iii) in the event MicroStrategy sells or transfers all or a portion of its business or assets (including in the event of a merger, acquisition, joint venture, reorganization, dissolution or liquidation), in which case Personal Data of End Users will be among the assets transferred to the buyer or acquirer, (iv) if required to do so by law or legal process, (v) in response to lawful requests from public authorities, including to meet national security, public interest or law enforcement requirements, or (vi) when MicroStrategy believes disclosure is necessary to prevent physical harm or financial loss, or in connection with an investigation of suspected or actual illegal activity, to the extent permitted by applicable law. MicroStrategy also reserves the right to transfer Personal Data in the event of an audit.

Liability for Onward Transfer

MicroStrategy complies with the Principle regarding accountability for onward transfers. MicroStrategy remains liable under the Principles if its onward transfer recipients process Personal Data in a manner inconsistent with the Principles, unless MicroStrategy proves that it was not responsible for the event giving rise to the damage.

Dispute Resolution

If MicroStrategy maintains your Personal Data in MicroStrategy Cloud, you may direct any inquiries or complaints concerning MicroStrategy's Privacy Shield compliance to PrivacyShield@microstrategy.com, or in the United States or EEA by regular mail as indicated below. MicroStrategy shall respond within 45 days. If your complaint cannot be resolved through MicroStrategy's internal processes, MicroStrategy will cooperate with JAMS pursuant to [JAMS' alternative dispute resolution program](#). JAMS may propose any appropriate remedy, such as deletion of the relevant Personal Data, publicity for findings of non-compliance, payment of compensation for losses incurred as a result of non-compliance, or cessation of processing of Personal Data of the End User who brought the complaint. JAMS or the End User may also refer the matter to the U.S. Federal Trade Commission, which has Privacy Shield investigatory and enforcement powers over MicroStrategy. Under certain circumstances, End Users may be able to invoke binding arbitration to address complaints about MicroStrategy's compliance with the Principles.

How to Contact MicroStrategy

To ask questions about or comment on this Policy and MicroStrategy's privacy practices, or if you need to update, change or remove your Personal Data, you may address all communications to:

Office of the General Counsel
MicroStrategy Incorporated
1850 Towers Crescent Plaza
Tysons Corner, Virginia 22182
United States of America

Email: PrivacyShield@microstrategy.com

Alternatively, regular mail may also be addressed to the following individual located in the EEA:

Rolf Blechschmidt
MicroStrategy Incorporated
The Squire
12 Am Flughafen
Frankfurt am Main, Null 60549
Germany

Please include your name, mailing address and/or e-mail address in all communications and provide an explanation of your request.