

VMWARE DATA PRIVACY AND CCPA

VMware understands many of its customers may be subject to the California Consumer Privacy Act (CCPA), effective January 1, 2020. To help its customers meet their compliance requirements, VMware has updated its [Data Processing Addendum](#) (as incorporated into the agreements noted below) to clarify VMware's role as a 'service provider' in connection with the provision of the following VMware services to its customers:

- VMware Cloud Services purchased by customer pursuant to VMware's [Terms of Service](#)
- Support & Subscription Services relating to customer's license for on-premise software purchased pursuant to VMware's [Support and Subscription Terms and Conditions](#)

Further, VMware has published a [California Privacy Notice](#) to meet its own disclosure requirements under the CCPA where VMware is acting as a 'business' in connection with processing 'personal information' of California residents, as such terms are defined in the CCPA. The following overview provides additional details regarding VMware's CCPA compliance program as it relates to its provision of services to its customers.

VMware as Service Provider

In connection with VMware's provision of a VMware Cloud Service Offering or Support & Subscription Services to a customer, the following will apply:

- Any personal information of a California resident included in any content provided by customer to VMware will be disclosed by customer to VMware for a 'business purpose' and VMware acts as customer's 'service provider' under the CCPA.
- VMware will process such content, including any personal information contained in the content, on behalf of the customer in the course of providing the VMware services in accordance with the applicable agreement.
- VMware will not retain, use or disclose such personal information for a 'commercial' or any other purpose, other than for the specific purpose of providing the VMware services, as further described in the applicable agreement, or as otherwise permitted by the CCPA.
- Regarding customer's consumers' requests to exercise their rights under CCPA, the VMware Data Processing Addendum outlines how VMware will re-direct any such inquiries to the customer and cooperate with the customer in fulfilling such consumer requests to the extent the customer is unable to access the relevant personal information in their use of the service.

VMware as a Business

When a customer purchases and uses VMware products or services, VMware will collect and process certain account-related personal information, for example, to process the order, to bill the customer, to notify the customer of patches, updates and renewals, and/or to collect performance and usage data for purposes of managing the infrastructure or improving VMware's products and services and the customer's experience. With respect to this personal information, VMware is acting as a business under the CCPA. VMware's [California Privacy Notice](#) and other [Privacy Notices](#) provide details regarding how VMware handles such personal information as a business, including any required disclosures pertaining to the categories of data collected and used, and the sale of personal information.

CCPA Rulemaking and Amendments

VMware is actively monitoring the rulemaking process and will address any additional requirements of CCPA as the law is further amended, clarified and implemented.