

# VMware Compliance with US State Privacy Laws

## Customer Relationships

VMware understands its customers' obligations to comply with US state privacy laws. This document describes how the comprehensive VMware privacy program enables our customers' compliance, and our compliance, with the California Consumer Privacy Act, as amended by the California Privacy Rights Act (CPRA), effective January 1, 2023 (as amended, the CCPA); the Virginia Consumer Data Protection Act (VCDPA), effective January 1, 2023; the Connecticut Data Privacy Act (CTDPA), effective July 1, 2023; the Colorado Privacy Act (CPA), effective July 1, 2023; and the Utah Consumer Privacy Act (UCA), effective December 31, 2023 (collectively, the "State Privacy Laws").

### VMware as a Service Provider or Processor

The VMware [Data Processing Addendum](#) describes our role as a 'service provider' or 'processor' in connection with the provision of VMware Cloud Services and VMware Support Services purchased by our customers pursuant to the [VMware General Terms](#), which incorporate the Data Processing Addendum. VMware acts as a 'service provider' or 'processor' when it processes personal information within Customer Content (content uploaded into the Cloud Service or provided to VMware in the course of using Support Services). VMware is actively monitoring the progress of proposed privacy laws in other states and the rulemaking processes and will address any additional requirements as the laws are enacted, amended, clarified, and implemented.

#### California

With respect to any personal information of a California consumer included in any Customer Content, VMware acts as our customer's 'service provider,' processing the personal information on the customer's behalf for the customer's 'business purpose.' The Data Processing Addendum contains the terms required by CCPA, including prohibiting VMware from selling or sharing personal information, and requiring VMware to notify the customer if VMware determines it can no longer meet its obligations under CCPA.

#### Virginia, Connecticut, Colorado, and Utah

With respect to any personal information of a Virginia, Connecticut, Colorado or Utah consumer included in any Customer Content, VMware acts on our customer's behalf as its 'processor.' The Data Processing Addendum contains the terms required by these State Privacy Laws.

## Data Subject Rights

Regarding consumers' requests to exercise their rights under applicable State Privacy Laws, the VMware Data Processing Addendum outlines how VMware will re-direct any such inquiries to the customer. In the unlikely event that the customer is unable to access the relevant personal information through its use of the service, VMware will cooperate with the customer in fulfilling such consumer requests.

## VMware as a Business or Controller

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 to collect performance and usage data for purposes of managing the infrastructure or improving VMware products and services and the customer's experience. With respect to this personal information, VMware is acting as a 'business' under the CCPA and a 'controller' under the other State Privacy Laws.

The VMware [Global Privacy Notice](#) and VMware [Products & Services Privacy Notice](#) describe how VMware processes personal information (including that of California, Virginia, Connecticut, Colorado and Utah consumers) when VMware is acting as a 'controller' or 'business.'

Further, VMware has published a [California Privacy Notice](#), updated for CPRA, to meet its disclosure requirements under the CCPA where VMware is acting as a 'business' in connection with processing personal information of California consumers. It includes disclosures pertaining to the categories of data collected and used, and the sale of personal information.

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