

VMWARE DATA PRIVACY AND GDPR

CUSTOMER CONTRACTS

VMware takes privacy and GDPR compliance seriously and values transparency with its customers. As data privacy requirements are largely dependent on the type of offering purchased, here is an overview of how VMware addresses the processing of personal information VMware may receive from customers.

VMware as Processor: VMware Cloud Service Offerings

When a customer purchases an entitlement for a VMware Cloud Service Offering, VMware will process personal information “on behalf of the customer” in the course of providing the Cloud Service Offering. In this instance, VMware is acting as a “processor” as defined in GDPR, while the customer is acting as a “controller”.

VMware Cloud Service Offerings are governed by the **VMware Terms of Service**, which incorporate by reference:

- The **Service Description** specific to each Cloud Service Offering
- The **VMware Data Processing Addendum**

These documents are available at <https://www.vmware.com/download/eula.html>.

These terms, together with the order, cover the elements of a Data Processing Agreement required by GDPR:

- **Scope of the Processing:**

The Cloud Service Offering-specific **Service Description** stipulates the subject matter of the processing, purpose, and nature of the processing.

- **Processing Requirements and Commitments:**

The **VMware Data Processing Addendum** incorporates VMware’s approved **Binding Corporate Rules (BCRs)** and stipulates the respective measures and commitments that VMware has in place when processing personal information on behalf of customers, including:

- Processing of data on customer’s instructions
- Confidentiality
- Data Security Measures
- Assisting customers with Data Subject rights
- Data Breach Notification
- Data Deletion
- Engagement of Sub-processors
- International Data Transfers

Learn more about VMware’s approved **Binding Corporate Rules** at <https://www.vmware.com/help/privacy/binding-corporate-rules.html>.

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CUSTOMER CONTRACTS (Cont.)

VMware as Processor: Support & Subscription Services

When a customer purchases support and subscription services from VMware, the customer may upload data to VMware's systems in connection with a technical support request, e.g. log files, and the data uploaded may contain personal information.

Following the GDPR principle of data minimization, it is the customer's responsibility to take steps necessary to protect personal information, including, e.g., obfuscating or removing personal information prior to uploading the data to VMware's systems. In other words, the customer decides what data to upload. The customer may refrain entirely from uploading any data that includes personal information.

To the extent that a customer uploads data containing personal information to VMware's systems in connection with a technical support request, VMware will process the personal information in accordance with the **VMware Data Processing Addendum** that is incorporated by reference in the **VMware Support Terms and Conditions**.

The VMware Support Terms and Conditions are available at <https://www.vmware.com/content/dam/digitalmarketing/vmware/en/pdf/support/vmware-support-terms-conditions.pdf>.

VMware as Controller: All Customer Contracts

When a customer purchases VMware products or services, VMware will collect and process certain account-related personal information in the order, for example, to process the order, to bill the customer, to notify the customer of available patches and updates, or to notify the customer when services are due for renewal.

In this context, VMware is acting as a "controller" as defined in GDPR.

Details are set forth in VMware's Privacy Notice, which is available at <https://www.vmware.com/help/privacy.html> and includes information about:

- What personal information VMware collects and how VMware uses it;
- When and how VMware shares personal information;
- How VMware handles international transfers of information;
- Security and confidentiality;
- Privacy rights of our customer data subjects; and
- Other privacy-related information

We suggest that customers familiarize themselves with the VMware privacy terms referenced above. If you have any questions relating to these terms, please let us know.