

TERREMARK PRIVACY POLICY STATEMENT

What is a Privacy Policy?

Terremark Worldwide, Inc. (“Terremark”) is committed to the protection of your privacy. This privacy policy statement (the “Policy”) sets forth the privacy principles that Terremark follows with respect to any Personal Data transferred from the European Union (EU) to the United States.

This Policy applies to all products, services and websites offered by Terremark or its subsidiaries or affiliated entities. Please read the following to gain an understanding of our Policy.

Definitions

“Agent” means any third party that collects or uses Personal Data under the instructions of, and solely for, Terremark or to which Terremark discloses personal information for use on their behalf.

“Personal Data” means any information relating to an identified or identifiable natural person; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

“Sensitive Data” means Personal Data that reveals race, ethnic origin, sexual orientation, political opinions, religious or philosophical beliefs, or trade union membership, or that concerns an individual’s health.

Safe Harbor

Terremark adheres to the Safe Harbor privacy principles and the 15 FAQs that make up the U.S.-EU Safe Harbor Framework and is registered with the U.S. Department of Commerce’s Safe Harbor. Further information on the Framework is found at: <http://export.gov/safeharbor/>.

Privacy principles

Notice: Terremark informs individuals in the EU about the purposes for which it collects and uses their Personal Data, how to contact Terremark, the types of third parties with which Terremark shares Personal data, and the choice and means Terremark offers for limiting the use and disclosure of Personal Data.

Choice: Terremark will offer individuals the opportunity to choose (opt-out) whether their Personal Data is: (a) to be disclosed to a non-Agent third party; or (b) to be used for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual.

For Sensitive Data, Terremark will give individuals the opportunity to affirmatively and explicitly (opt-in) consent to the disclosure of the Personal Data to a non-Agent third party or the use of the Personal Data for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual.

Terremark will provide individuals with reasonable mechanisms to exercise their choices.

Data integrity: Terremark will use Personal Data only in ways that are compatible with the purposes for which it was collected or subsequently authorized by the individual. Terremark will take reasonable steps to ensure that Personal Data is relevant to its intended use, accurate, complete, and current.

Access and correction: Upon request, Terremark will grant individuals reasonable access to Personal Data that it holds about them. In addition, Terremark will take reasonable steps to permit individuals to correct, amend, or delete Personal Data that is demonstrated to be inaccurate or incomplete.

Onward Transfer: Terremark will obtain assurances from its Agents that they will safeguard personal information consistently with this Policy. Examples of appropriate assurances that may be provided by Agents include: a contract obligating the agent to provide at least the same level of protection as is required by the relevant Safe Harbor Principles, being subject to EU Directive 95/46/EC (the EU Data Protection Directive), Safe Harbor certification by the agent, or being subject to another European Commission adequacy finding.

Security: Terremark will take reasonable steps to protect Personal Data in its possession from loss, misuse and unauthorized access, disclosure, alteration and destruction.

Enforcement & Dispute Resolution: Terremark regularly reviews its compliance with this Policy. Any questions or concerns regarding the use or disclosure of Personal Data should be directed to Terremark by emailing comments or questions to servicecenter@terremark.com or via telephone to 866-NAP-MIAMI.

When Terremark receives formal written complaints, it is Terremark's policy to contact the complaining data subject regarding his or her concerns. Terremark will investigate and attempt to resolve complaints and disputes regarding use and disclosure of Personal Data in accordance with the principles contained in this Policy. Terremark will participate in the dispute resolution procedures of the panel established by the European data protection authorities for complaints regarding the processing of personal data that cannot be resolved between Terremark and the data subject.

Limitation of privacy principles

Adherence by Terremark to the Safe Harbor Principles may be limited: (a) to the extent required to respond to a legal obligation; and (b) to the extent expressly permitted by an applicable law, rule or regulation.

Changes to Policy

Terremark reserves the right to update this Policy from time to time. Please visit this page periodically so that you will be apprised of any changes. If at any point Terremark decides to make material changes to how your Personal Data is used, Terremark will notify you either by posting a notice of such changes prior to implementing the change or by directly sending you a notification by e-mail.

Contact information

If you have any questions regarding this policy, please email your questions or comments to servicecenter@terremark.com or via telephone to 866-NAP-MIAMI and a Terremark representative will respond to your query as soon as possible.