



PRIVACY NOTICE FOR RESIDENTS OF THE EUROPEAN ECONOMIC AREA (“EEA”)

Posted: May 9, 2018
Effective: May 25, 2018

The General Data Protection Regulation (EU) 2016/679 dated April 27, 2016 (“[GDPR](#)”) is a European privacy law that is taking effect on May 25, 2018. The regulation strengthens citizens’ fundamental rights in the digital age and creates a comprehensive privacy regulation to govern the processing of personal data related to European citizens. GDPR applies to all companies that collect and process personal data related to European citizens, regardless of where such companies are located. Although Compuware Corporation maintains its headquarters in the United States, our company is fully committed to compliance with GDPR and the protection of personal data from our European partners and customers. The below GDPR notice provides valuable information about how Compuware complies with the requirements of GDPR.

This Privacy Notice covers all processing of personal data that Compuware engages in and that is covered by GDPR with the exception of HR data. If you are an employee, a prospective employee or a former employee and would like to find out more about how we protect your data, please send your inquiry to: privacy_concerns@compuware.com.

WHO WE ARE

Compuware Corporation Global Headquarters is located at 1 Campus Martius, Detroit, Michigan, 48226, United States (Phone: 313.227.7300). We also have offices in Europe. See a list of contact details of our [European offices](#).

Compuware has appointed Ralph Nuesse as Data Protection Officer for its operations in Germany. He may be contacted at ralph.nuesse@compuware.com. If you have questions about how we protect personal data in other jurisdictions, contact privacy_concerns@compuware.com. This will place you directly in contact with our data privacy professionals in the United States.

We usually act as processor for your personal data. In limited cases, we also act as controller, when we process personal data for certain marketing efforts, such as providing newsletters and updates about products you may have purchased.

A “processor” is an entity that processes personal data on behalf of other entities that are controllers. We act as processor when we offer customer support and maintenance services for our products, on behalf of our customers. This means that our customers establish the purposes and means for this processing, as well as the lawful grounds for processing.

A “controller” is the entity that establishes the means and purposes of a processing activity. We act as controller when we process personal data for marketing purposes and when we process HR data in the context of employment.

TYPES OF PERSONAL DATA WE COLLECT AND USE

Under GDPR, “personal data” means any information related to an identified or identifiable individual.

We collect personal data that you directly provide to us, as well as personal data about you that we obtain from other sources or from observing your activity when using our product or when accessing our website. Compuware may receive personal data from our customers or business partners in our web-based software applications used for customer support, including the Compuware Support portal located at go.compuware.com; our customer relationship management systems, including our SalesForce.com instance; our export compliance verification system; or in relation to online or in-person events attended or hosted by Compuware. We also collect information from and about the devices that you use to access our website and, in certain instances, our Products.

We may collect and process the following categories of personal data directly from you:

- Identification data and contact information (e.g. including biographical information, such as first names, last names, and job titles; as well as e-mail addresses, phone numbers, office addresses, and userID or credentials used to login to any of our information technology systems) for customer support and maintenance, for US export compliance and for customer marketing communications;



- Identification and contact information for Customer Relationship Management.

We collect and process the following categories of personal data from other sources or from observing your activity when using our products or from accessing our website:

- Website usage data collected via Google Analytics and cookies placed by it: IP address, web browser type and version, operating system and website visit information, such as date, time and pages viewed, for those accessing our website;
- Click-through information related to Compuware emails and banner advertisements, via pixel technology;
- Public social media profiles, which we match with the identification and contact information you provide us, for Customer Relationship Management.
- If you work for one of our customers, we collect analytics data and product usage statistics to help customers participating to our VIP program to have a full understanding of staff utilization and function usage.

Cookies and pixel tags help us to perform functions like recalling your username for your future visits to our website or understanding how you are interacting with our online content so that we can improve your experience. You can set your browser so that you do not accept cookies, but this may limit your ability to access and utilize all features on our website.

PURPOSES

When we are processor, the purposes of the processing activities we engage in are established by our customers (who, in this case, are controller). Such purposes are related to enabling your use of our technical support services; responding to your inquiries and requests, including, in the context of sales, and in the context of technical support; contacting you regarding a purchase; ensuring that you are not subject to export restrictions, embargoes, or other trade or economic sanctions; sending you information and updates regarding a purchase; sending you invoices, collecting payments from your organization; and sending you e-mail notifications which you have specifically requested.

When we are controller, the purposes of the processing activities we engage in are related to our own activity as a corporation: marketing, managing our customer relationships and managing our employees; including sending you e-mail messages containing company news, including product or service information you have requested, or helping you to arrange attendance at any of our webinars or other company sponsored events.

LEGAL BASIS

For those processing activities that fall under EU data protection law (GDPR and its implementing laws at national level) and for which we are controller, the legitimate grounds for processing we rely on are:

- Necessity to enter a contract;
- Consent;
- Legitimate interests.

For those processing activities for which we are processor, the controller (our customers) establish the lawful ground for processing.

We rely on the necessity to enter a contract or for the performance of a contract when we are processing identification data and contact information of representatives of our customers in the process of entering a contract and for the delivery of our products.

We rely on consent:

- for certain marketing activities; with respect to e-mail marketing, we follow and apply the ePrivacy Directive framework in each European jurisdiction we are active;
- for combining public social media profiles to identification and contact data, for our Customer Relationship Management program;
- to process website usage data.



We rely on these specific legitimate interests:

- to conduct business solely with entities that comply with all export controls in the Export Administration Act and the export Administration, for the processing of personal data necessary for US export compliance;
- to help us manage our relationships with current Compuware customers, including to ensure that they receive any and all pertinent communications regarding products, such as updates or upgrades.

RECIPIENTS OF YOUR DATA

Compuware does not make your personal data available to any third party, other than our vendors, who process personal data on our behalf and follow a strict mandate (they act as processors). The vendors are prohibited through contractual measures to make this data available to any other entity which is not a sub-processor, they are required to provide adequate security measures and to keep it confidential. Please note that Compuware may need to disclose information to third parties if it is necessary for Compuware to comply with the law; protect any individual from death or serious bodily injury; prevent fraud or misuse of Compuware’s website or Products or that of its Users; or otherwise protect Compuware or its customers’ property rights.

We have a wide range of vendors to support different functions of our activity. Specifically, our vendors provide the following services:

Services	Location
Customer relationship management	USA
Export Compliance verification	USA
Marketing communications	USA
Customer technical support	USA

We have concluded data protection agreements with all our processors.

RETENTION PERIOD

According to our retention policy, we only keep personal data in our records as long as they are necessary for the purposes they have been collected and processed for. We adhere to our Records Management Policy to determine how long we retain data, including personal data. The retention periods are established considering our legitimate business purposes and all applicable legal requirements. As a rule, we restrict the personal data to only the minimum amount necessary, and after its purposes are met, we archive or delete it. When long retention periods are necessary to comply with legal requirements or for the benefit of the data subjects, we archive the data or restrict it, as an additional safeguard for the rights of individuals.

The retention periods for certain kinds of data processed by Compuware are variable. For example, for those Compuware customers who are presently engaged with us for the provision of products, we may retain personal data until the conclusion of the relevant contractual obligations. For those individuals who have opted out of receipt of certain Compuware communications, we may retain only that information necessary to ensure that we comply with any such request with regard to future communications. If you have questions regarding specific retention times for a processing activity, please contact the DPO if you are in Germany, or for all other EU Member States or the United States, send your request to privacy_concerns@compuware.com.



TRANSFERS OVERSEAS

Compuware values its relationships with entities operating in the regions that comprise the EEA (including European Union Member States and other countries in Europe that abide by similar rules and guidelines). To facilitate its business relationships between EEA and US based entities, Compuware entities located in the EEA transfer personal data about individuals located in the EEA to Compuware's US based headquarters and, occasionally, to Compuware's employees located around the world.

To ensure the lawful transfers of personal data from the EEA, Compuware relies either on adequacy decisions (Article 45 GDPR), including on the EU-US Privacy Shield framework, as well as on Standard Contractual Clauses (Article 46(2)(c) GDPR).

The vast majority of transfers of personal data about individuals in the EEA are made to Compuware's US based headquarters. Compuware is EU-US Privacy Shield certified. For more details about Compuware's participation to this framework, click [here](#).

Compuware is also transferring personal data from the EEA to our processors based in the US. We enter Standard Contractual Clauses with all our processors, as enumerated above, or we make sure that they are EU-US Privacy Shield certified.

Rarely, transfers may also occur to Compuware offices located in Brazil, Canada, Mexico, China, Hong Kong, Japan, Korea, Australia and New Zealand.

All transfers of personal data to Canada and New Zealand are made to countries that have been declared as ensuring an adequate level of protection by the European Commission.

For the transfers to receiving countries that have not yet been declared adequate by the European Commission, we rely on Standard Contractual Clauses.

Compuware has implemented Standard Contractual Clauses for intracompany transfers or personal data related to individuals residing in the EEA. These Standard Contractual Clauses apply to any transfer of personal data between Compuware entities in relation to the performance of any customer contract that requires such personal data to be transferred outside of the EEA.

YOUR RIGHTS

Compuware is committed to facilitate the exercise of your rights granted by EU data protection law in a timely manner – the right to access your data, to ask for erasure, correction, restriction, portability of your data or to object to the processing of your data.

In order to be able to reply to your request and if we are not certain of your identity, we may need to ask you for further identification data to be used only for the purposes of replying to your request. If you have any inquiries or requests, write to GDPRcompliance@compuware.com or [contact us](#) through our postal address.

Access, Correction and Other Requests

You have the right to obtain confirmation whether we process or not your personal data, as well as the right to obtain information about the personal data we process about you and to obtain a copy of this data. You have the right to obtain erasure, correction, restriction and portability of your personal data, under certain conditions.

Right to Object

You also have the right to object at any time to receiving marketing materials from us by following the opt-out instructions in our commercial emails, as well as the right to object to any processing of your personal data based on your specific situation. In the latter case, we will assess your request and provide a reply in a timely manner, according to our legal obligations.

For all the processing operations that are based on your consent, as described above, you can withdraw consent at any time and we will stop those processing operations.



CONCERNS

If you have any concerns or questions about how your personal data is used, please contact our Privacy Officer at:

Compuware Corporation
Attn: Privacy Officer
One Campus Martius
Detroit, MI 48226
USA.

We will promptly respond and use reasonable efforts to perform all necessary actions to address your concern. However, if you believe we have failed to properly address your concern, please be aware that you have a right to complain to your local data protection authority, as granted by Article 77 of the GDPR. You have the right to submit a complaint in the Member State of your residence, place of work or of an alleged infringement of the GDPR.