

PortX, Inc.
7525 SE 24th St, Ste 510
Mercer Island, WA 98040
(833) 667-6789
hello@portx.io

PortX, Inc. Privacy Notice

Last updated: August 2022

PortX and its subsidiaries and affiliates are committed to protecting your privacy and ensuring you have a positive experience on our websites and in using our products and services (the PortX “Products and Services”).

Because PortX is committed to protecting your privacy, we will not sell, rent or otherwise disclose your personal information to any third party, except as described in this Privacy Notice. PortX will use commercially reasonable efforts to keep all personal information private, but some personal information may be disclosed under the limited circumstances described below.

PortX is a global organization with legal entities, business processes, management structures, and technical systems that cross borders. This Privacy Notice applies to all PortX websites and domains and any online Products and Services (collectively the “Website”), except that a privacy notice or statement posted on the Website or as specific to a particular Products and Services will apply in place of this Privacy Notice.

As a PortX Website user or registrant, you are always entitled to ask any questions about this Privacy Notice by email at privacy@PortX.com, or contacting:

PortX, Inc.
Attention: Privacy Request
7525 SE 24th St., Suite 510
Mercer Island, WA 98040 USA

Our Privacy Notice explains the following:

1. Why and how does PortX collect and process your personal data?
2. How PortX uses Personal Information
3. Sensitive Personal Data
4. Data Retention
5. Communication Preferences
6. Protection and security of your personal data

7. Transfers over the Internet to countries located outside the European Union or the EEA
8. Use of cookies and other technology
9. Managing your personal data
10. Third-Party Websites, products and services
11. Your Rights
12. Rights to complain to the Data Protection Authority

1. Why and how does PortX collect and process your personal data?

Information that you provide. To participate in certain activities and to obtain certain Products and Services offered on our Website, you will be asked to provide varying amounts of personal information. For example, we may ask you to provide your contact details in order to register an account with us, to provide downloads of free or evaluation software or upgrades, to subscribe to marketing communications from us, and/or to submit inquiries to us. The personal information that you are asked to provide, and the reasons why you are asked to provide it, will be made clear to you at the point we ask you to provide your personal information.

Many of our Products and Services require you to set up an online account to complete your purchase and utilize the Products and Services. Setting up an account and making a purchase requires a valid e-mail address and password as a login, along with other information which will be of a personal nature, such as your name, company name, address, billing and shipping information, language preferences and time zone. This processing of your personal data is necessary for the performance of the contract between you and PortX regarding the use of our products, services and support pursuant to Article 6(1)(b) GDPR.

We may further use and process personal data you provide to us through the Website to provide you with new product information or technical alerts and to keep you informed about our products, services, promotions and special offers. The processing of personal data for such direct marketing purposes is based either on your consent (Article 6(1)(a) GDPR) or in case you are a customer of PortX on Article 6(1)(f) GDPR since it is carried out for the legitimate interest of PortX of informing its customers of new products which is also in the interest of the customer.

You have the right at any time to withdraw your consent or to object to processing of your personal data for direct marketing purposes. Please address your objection to PortX at the contact information above.

PortX collects and processes collected personal data for the following other purposes:

Responding to or addressing your requests, enquiries, complaints, feedback or opinion (if you are a customer of PortX, processing is necessary for the performance of the contract between you and PortX regarding the use of PortX Products and Services pursuant to Article 6(1)(b) GDPR. If you have requests, enquiries, complaints, feedback, or provide an opinion without being a customer of PortX, processing is necessary for the purposes of the legitimate interests pursued by PortX to address your communication.

Improving your experience on our Website (processing is necessary for the purposes of the legitimate interests pursued by PortX to improve your use of our Website pursuant to Article 6(1)(f) GDPR

Tracking customer preferences (processing is necessary for the purposes of the legitimate interests pursued by PortX to improve your use of our Website pursuant to Article 6(1)(f) GDPR

Communicating with or notifying you of, or providing you with updates of the PortX products and services, or benefits available, or technical news (if you are a customer of PortX, processing is necessary for the performance of the contract between you and PortX regarding the use of PortX Products and Services pursuant to Article 6(1)(b) GDPR; if you are no customer of PortX such communication is based on your consent pursuant to Article 6(1)(a) GDPR

Evaluating your interest in employment in the case of employment applications submitted by you (processing is necessary for the purposes of recruitment and in order to take steps at your request prior to entering into a potential employment contract pursuant to Articles 6(1)(b), 88 GDPR and national data protection law)

Compliance with the law and requests from government bodies (processing is necessary for compliance with a legal obligation of PortX pursuant to Article 6(1)(c) GDPR

Internal record keeping in accordance with tax and accounting requirements under applicable law (processing is necessary for compliance with a legal obligation of PortX pursuant to Article 6(1)(c) GDPR

Product and service development which is necessary for the purposes of the legitimate interests pursued by both you and PortX to improve the PortX Products and Services pursuant to Article 6(1)(f) GDPR

PortX may collect certain information to better understand customer behavior and improve our products, services and advertising. We may also collect information regarding customer activities on PortX Website and from our products and services. This information is aggregated and used to help PortX provide more useful information to our customers, to understand and analyze trends, understand which parts or pages of our Website, administer the site, to learn about user behavior on the site and understand which products and services are of most

interest to our customers, to gather demographic information about our customer base as a whole and to improve our customers' experience. PortX collects this information through cookies or web beacons according to PortX "Cookie Policy" which you can find at Section I below. This data processing is based on your consent pursuant to Article 6(1)(a) GDPR.

PortX also collects log files of traffic that visit our Websites. These log files may include information such as your Internet Protocol (IP) address, browser information and language, domain name, date and time of request. We use this information to track aggregate traffic patterns throughout our Website, but such information does not correlate with any personally identifiable information. PortX may collect and retain for a certain period IP address information of customers in order to provide technical support, obtain geo-location information, for subscription and registration purposes and to secure our networks and systems. To the extent that IP addresses or similar identifiers are considered personal data by applicable data protection law, we treat these identifiers as personal data. Similarly, to the extent that non-personal data is combined with personal data, we treat the combined information as personal data for the purposes of this Privacy Notice. This data processing is necessary pursuant to Article 6(1)(f) GDPR for the purposes of the legitimate interests pursued by PortX to improve your experience on our Website by offering adequate language preferences of our Website and to secure our networks and systems against attacks. It is further necessary for the performance of the contract between you and PortX regarding the registration and subscription for and the support of PortX Products and Services pursuant to Article 6(1)(b) GDPR.

In order to use certain parts of our Websites we require that you provide us with some personal data as explained above. If you do not provide your personal data stated above to us, your use of those sections of our Website, products and services could be restricted or impossible.

Information we collect automatically. In addition to the information you provide, PortX may also collect information during your visit to the Website through our automatic data collection tools, which may include Web beacons, cookies, embedded Web links, and other commonly used information-gathering tools. These tools collect certain standard information that your browser sends to our Website such as your browser type and language, access times, and the address of the Website from which you arrived at the Website. These technologies may also collect information about your Internet Protocol (IP) address, clickstream behavior (i.e. the pages you view, the links you click, and other actions you take in connection with the Website) and product information. PortX may also use some of these automatic data collection tools in connection with certain emails sent from PortX and therefore may collect information using these tools when you open the email or click on a link contained in the email.

Collecting this information enables us to better understand the visitors who come to our Website, where they come from, and what content on our Website is of interest to them. We use this information for our internal analytics purposes and to improve the quality and relevance of our Website.

For more information about cookies and similar tracking technology, please see the section 8, below.

2. How PortX uses personal information

PortX is a global organization and may share personal information with its affiliated companies, resellers, distributors or partners in order to provide the high quality, localized services, or offers you have requested, meet your needs or provide you with customer support. PortX may engage sub-contractors to provide certain services, such as providing technical support, handling order processing or shipping products, conduct customer research or satisfaction surveys. PortX has contracts with affiliated companies, partners and sub-contractors to which we transfer your personal data, and who may process your personal data on our behalf. Such contracts include confidentiality and data handling provisions that require all contractors keep personal data secure and confidential, and that personal data is not shared with others, or used for their own purposes.

PortX will disclose your personal information to a third party if required to do so by law or if, in good faith, PortX believes that such action is necessary to: (1) comply with the law or with legal process; (2) protect and defend the company's rights and property or prevent fraud; (3) protect the company against abuse, misuse or unauthorized use of PortX Products or Services; or (4) protect the personal safety or property of personnel, users or the public (among other things, this means that if you provide false or deceptive registration information or attempt to pose as someone else, information about you including your computer's IP address – may be disclosed to a third party (including the recipient of an email) as part of any type of investigation into your actions.

It may be necessary by law, legal process, litigation and/or requests from public and governmental authorities within or outside your country of residence for PortX to disclose your personal data.

We may also disclose personal data about you if we determine that for purposes of national security, law enforcement or other issues of public importance, disclosure is necessary or appropriate. Such disclosure is necessary for compliance with a legal obligation of PortX pursuant to Article 6(1)(c) GDPR.

In addition, in the event of a reorganization, merger or sale, we may transfer any and all personal data we collect to the relevant third party. Such disclosure or transfer of your personal data is necessary for the purposes of the legitimate interests pursued by PortX to enforce our terms and conditions, to protect our products or users or to facilitate such reorganization, merger or sale pursuant to Article 6(1)(f) GDPR.

3. Sensitive Personal Data

PortX does neither wish to receive nor need any sensitive personal data, i.e. personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation. To the extent that you supply us with any sensitive personal data via our Website, you agree that we may use the information in line with this Privacy Notice.

4. Data Retention

PortX will keep your personal data for as long as you are a registered subscriber or user of our products or for as long as we have another business purpose to do so and, thereafter, for no longer than is required or permitted by law.

5. Communication Preferences

PortX gives you the choice of receiving a variety of information that complements our products and services. You can manage your communication preferences and unsubscribe in one of the following ways: (a) PortX promotional emails include instructions on how you can unsubscribe from that particular communication; or (b) sending a message via email to privacy@PortX.com or via mail to PortX, PO Box 14408 Seattle WA 98114. Please include your name, email address and specific relevant information about the material that you no longer wish to receive.

6. Protection and security of your personal data

As a global security leader, PortX understands the importance of securing your personal data. PortX has taken appropriate industry-standard security measures – including administrative, technical and physical measures – to maintain and protect your personal data against loss, theft, misuse, unauthorized access, disclosure, alteration and destruction. Access to your personal data is restricted to authorized personnel only. Where you have a password, which enables you to access your account, you are responsible for keeping this password secure and confidential.

7. Transfers over the Internet to countries located outside the European Union or the EEA

PortX is a global organization, with affiliated legal entities, business processes, management structures, and technical systems that cross borders. When we share your personal data among PortX affiliates globally, we will do this on the basis of inter-company data protection clauses. We may also transfer your personal data to our subcontractors based in various countries in the world where we do business who carry out data processing on behalf of PortX. Some of these countries may provide less legal protection than others for your personal data. However, in such case the data transfer will be subject to appropriate safeguards under Art. 46 GDPR, namely standard data protection clauses.

8. Use of cookies and other technology

PortX Website, online services, interactive applications and email messages may use “cookies” and other technologies such as web beacons. Cookies are alphanumeric identifiers that PortX transfers to your computer’s hard drive through your web browser to enable our systems to recognize your browser to provide services. Cookies help websites work or work more efficiently and can help provide us with business and marketing information. They also enable a website to tailor information presented to you based on your browsing preferences such as language and geographical region.

PortX may use cookies to personalize web pages during your visit to our Website; and/or remember you for easy navigation and access during return visits after registering for product and service information, sales contacts and other offers including but not limited to White papers, webcasts, events, evaluation software, etc., provide information about the previous link used by you, track your visits to our Website, aggregate and analyze data about your machine, such as browser type, screen resolution, or operating system. The data collected by the cookie expires after 14 days unless you visit our Website again.

If you do not want PortX to deploy cookies in your browser, you can set your browser to reject cookies or to notify you when a Website tries to put a cookie in your browser software. Rejecting cookies may affect your ability to use of some of our products and/or services.

The information collected is generally anonymized and is not used to identify any particular user. PortX has no access or control of any third-party tracking technologies.

Web Analytics. This Website uses Google Analytics, a web analytics service provided by Google Inc. ("Google"). Google Analytics uses so called "cookies. Usually the information stored in cookies about your Website usage is transmitted to a Google server in the US and saved there. If IP anonymization is enabled on this web page, Google will shorten your IP address before transmission if it belongs to a member state of the European Union or to a contracting party to the Agreement on the European Economic Area. Only in exceptional cases will your full IP address be transmitted to a Google server in the US and shortened there. On behalf of PortX, Google will use this information to analyze your Website usage, to compile reports about Website activities, and to provide PortX with further services associated with the use of the Website and of the internet. The IP address that your browser transmits within the scope of Google Analytics will not be merged with other Google data. You can configure your browser software to disable the use of cookies. You can also stop data (incl. your IP address) created by cookies and associated with your Website usage from being sent to Google or processed by Google by downloading and installing the browser plug-in available at the following link <https://tools.google.com/dlpage/gaoptout?hl=en>.

9. Managing your personal data

If you participate in a PortX discussion forum on our Website, you should be aware that the information you provide there will be made broadly available to others, and can be read, collected or used by other users of these forums, inside or outside of PortX. This information can be used to send you unsolicited messages. You are responsible for the personal data you choose to submit in these instances. For example, if you list your name and email address in a forum posting, that information is public. Please be careful and responsible when you are participating in any forum or discussion group on PortX Websites and note that some of these forums may have additional rules and conditions. Each participant's opinion on a forum in our Website is his or her own and should not be considered as reflecting the opinion of PortX. PortX is not responsible for the personal data or any other information you choose to submit in these forums.

10. Third-Party Websites, products and services

PortX Website contains a number of links to Websites of PortX business partners or to co-branded Websites that are maintained by PortX and one or more of our business partners who are collecting your personal data pursuant to their own policies and purposes. You should carefully read the privacy policies on such Websites or co-branded Websites as they may differ from PortX Privacy Notice, especially as personal data collected on such Websites are governed by the pertinent privacy policies. PortX is not responsible for the content, their products or privacy practices or misuse of any information you provide on those Websites.

11. Your Rights

Right to access your personal data

Under the GDPR you have certain data protection rights. These are briefly explained below. If you wish to contact us in relation to those rights, please see the contact information at section above. We will endeavor to assist you when possible but please note that these rights may not apply in all circumstances and exceptions exist under the GDPR or applicable national law.

Right to rectification of your personal data pursuant to Article 16 GDPR – You have the right to request that any inaccurate personal data held by or on behalf of PortX is corrected.

Right to access your personal data, pursuant to Article 15 GDPR – You have the right to access your personal data held by PortX. Please note that before we are able to respond to your request we may ask you to verify your identity and to provide further details about your request. We will endeavor to respond without undue delay and, in any event, within the timescales required by law.

Right to data portability pursuant to Article 20 GDPR – You have the right to receive personal data you have provided to us or to ask us to transfer it to another company.

Right to erasure (or “right to be forgotten”) pursuant to Article 17 GDPR – You have the right to request that PortX delete all of the personal data that we hold about you.

Right to restrict processing pursuant to Article 18 GDPR – You have the right to restrict PortX from processing your personal data, where: (1) you believe that the personal data held by us about you is not accurate, until we can verify the accuracy of such personal data; (2) you believe that the processing of your personal data is unlawful; (3) you believe that we no longer have any reason to process your personal data, except for the purposes of establishing, exercising or defending legal claims; or (4) you object to the processing as described below, unless and until we can establish that we have overriding legitimate grounds to continue processing your personal data. In these circumstances we will restrict use of your personal data during the review period.

Right to object to processing pursuant to Article 21 GDPR – You have the right to ask PortX to stop processing your personal data for direct marketing purposes or other purposes on grounds relating to your particular situation, if processing of your personal data is based on point (e) – processing is necessary for the performance of a task carried out in the public interest – or (f) – processing is necessary for the purposes of the legitimate interests pursued by PortX or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data – of Article 6(1) GDPR.

Right to withdraw consent – If we are relying on your consent to use and process your personal data, you are free to withdraw that consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal. For exercising any of your rights, please contact PortX at the contact information stated in section L below or our representative stated in section A above.

12. Rights to complain to the Data Protection Authority

If you have a complaint or concerns about how we are processing your personal data or if you consider that the processing of your personal data by PortX infringes the GDPR then we will endeavor to address such concerns. However, if you would like to direct your complaint/concerns to a Data Protection Authority, you have such right under Article 77 GDPR.

13. Updates to this Privacy Notice

We may update this Privacy Notice from time to time in response to changing legal, technical or business developments. When we update our Privacy Notice, we will take appropriate measures to inform you, consistent with the significance of the changes we make. We will obtain your consent to any material Privacy Notice changes if and where this is required by applicable data protection laws.

You can see when this Privacy Notice was last updated by checking the “last updated” date displayed at the top of this Privacy Notice.