

Effective Date: December 7, 2011

SuccessFactors Hosted Service Safe Harbor Privacy Policy

SuccessFactors has self-certified as compliant with the Principles of the United States (“US”) - European Union (“EU”) and US-Swiss Safe Harbor Programs. To comply with the Safe Harbor Principles and data protection statutes in other jurisdictions, SuccessFactors must ensure that Personal Information (including personal information of SuccessFactors Employees and Customers) is properly handled and protected in the SuccessFactors’ Hosted Service. Notwithstanding the foregoing this Policy sets the minimum standards whereas additional obligations may derive from contractual obligations with a Customer or the applicable data protection laws and regulations.

This Policy applies to all Personal Information entered by a Customer or Employee into the Hosted Service.

Data transfers of Personal Information for legal purposes (e.g., to fulfill law enforcement, discovery, or other legal requests) are not covered by this Policy.

All questions about the Policy and data transfers of Personal Information should be directed to privacy@successfactors.com.

Definitions

For purposes of this Policy, the following definitions are in place:

- “Personal Information” refers to any information about an identifiable individual.
- “Sensitive Personal Information” is Personal Information regarding a medical or health condition, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or sexual lifestyle.
- “Affiliate” means any then-current subsidiary of SuccessFactors Inc.
- “Subprocessor” means any authorized subcontractor who processes Personal Information on behalf of SuccessFactors.
- “Employee” means any authorized user (including temporary, full-time, part-time employee or contractor) of the SuccessFactors Hosted Service if and to the extent where SuccessFactors is the data controller.
- “Hosted Service” means the generally available modules of the hosted, on-demand, Web-based business execution software service, including updates thereto from time to time, subscribed by a Customer (as defined in a Subscription Agreement with SuccessFactors) or used by its Employees.

Notice

It is Customer’s duty to inform its authorized users about what data is being collected and how it will be used. SuccessFactors is processing Personal Information only on behalf of its Customers

as a data processor and in accordance with its lawful and reasonable instructions but does not collect Personal Information for its Customers.

SuccessFactors' Employee Personal Information is collected through the recruiting, onboarding and ongoing employment processes and mainly entered directly by the Employee concerned or the responsible HR personnel. SuccessFactors fully describes its then current collection and use of Personal Information to its Employees in internal policies and inter-company agreements, a copy of which can be obtained by an Employee at any time from the SuccessFactors' legal department. Given the global nature of the SuccessFactors business and the need to communicate freely across borders it is understood by each Employee that Personal Information is accessible from all SuccessFactors' locations worldwide.

Choice

Unless required for the performance of the employment rights and duties between SuccessFactors and its Employees or required or permitted by applicable laws, individuals may have the ability to opt out of the collection and forward transfer of the data to third parties to the extent fully disclosed to an individual at the time of collecting data. For example, during the recruitment process a candidate has the option to apply for a job requisition posted in the Recruitment Management module and voluntarily furnish their data in accordance with an applicable Privacy Statement. Notwithstanding the foregoing, each User of the Hosted Service, when entering data into the Hosted Service, agrees to use the service only in accordance with applicable use restrictions and laws.

Onward Transfer

Transfers of Personal Information to third parties may only occur if and when such organizations follow adequate data protection principles. All SuccessFactors Affiliates are equally bound by SuccessFactors' then current relevant privacy policies and guidelines. All SuccessFactors Subprocessors (e.g., vendors, service providers, contractors, consultants, or other agents) performing services on SuccessFactors' behalf are contractually obligated to provide the same level of security and privacy protections provided by SuccessFactors and have to agree to comply with SuccessFactors' lawful instructions. Subprocessors must not use Personal Information for their own purpose(s) unless explicitly authorized.

Security

SuccessFactors undertakes to Customers and to SuccessFactors Employees that it has taken and will, on a continuing basis, take appropriate technical and organizational measures to keep Personal Information secure and protect such Personal Information against unauthorized or unlawful processing and accidental loss, destruction or damage, with SuccessFactors ensuring a level of security appropriate to: (i) the harm that might result from the unauthorized or unlawful processing of or accidental loss, destruction or damage to such Personal Information; and (ii) the nature of the Personal Information to be protected.

SuccessFactors shall use commercially reasonable efforts to ensure that those employees to whom it grants access to such Personal Information are appropriately trained.

SuccessFactors will, upon Customer's or Employees' reasonable request, provide such information and documentation as may be necessary to reasonably satisfy itself of SuccessFactors' compliance with this Policy.

Data Integrity

SuccessFactors will use Employee Personal Information that is relevant for the purpose(s) it was collected for and take reasonable steps to ensure that its Employees keep Personal Information accurate and current. SuccessFactors will undertake to obtain Employee's prior consent, where legally required, to the extent it wishes to extend the purpose of the data processing.

Access

Upon request of an Employee, SuccessFactors will provide access to Personal Information held and correct or delete it if it is inaccurate.

Enforcement

SuccessFactors has implemented and will maintain appropriate measures to enforce this Policy, including but not limited to:

- Conducting independent audits of its control environment by third party auditor(s), Customers and SuccessFactors internal audit and/or Legal department
- Educating and training SuccessFactors Employees, Subprocessors on these principles
- Investigating any data security breach in accordance with a defined procedure by its CIO, General Counsel and data protection officers, as applicable.
- Employees who fail to comply with this Policy may be subject to disciplinary action up to and including termination of employment.
- Customers and Employees who receive information indicating that (i) an Affiliate or Subprocessor is collecting, using, sharing, or storing Personal Information in violation of applicable statutes and regulations, contractual agreements, or SuccessFactors policies and procedures should immediately notify the SuccessFactors Data Protection Officer.
- Complaints, inquiries or data privacy requests shall be directed to the SuccessFactors' legal department at privacy@successfactors.com.
- Written inquiries may be addressed to: SuccessFactors, Inc., General Counsel, One Tower Plaza, South San Francisco, CA 94080, United States.
- Unresolved complaints about SuccessFactors' privacy practices can also be submitted to an independent dispute resolution mechanism with the UK Information Commissioner.