



## The European Union Safe Harbor Policy for Protecting Privacy

### Introduction

Scarab Consulting Austin (referred to either as “Scarab,” “we,” “us,” or “our”) processes information for businesses and law firms throughout the world. As such, we receive information from businesses in the European Union (“EU”) either directly or from others who have received that information and wish to have it processed. Protecting consumer privacy is important to us. Scarab adheres to the Safe Harbor Agreement concerning the transfer of personal data from the EU to the United States of America. Accordingly, we follow the Safe Harbor Principles published by the U.S. Department of Commerce (the “Principles”) with respect to all data. If there is any conflict between the policies in this privacy policy and the Principles, the Principles shall govern. This privacy policy outlines our general policy and practices for implementing the Principles, including the types of information we gather, how we use it and the notice and choice affected individuals have regarding our use of and their ability to correct that information. This privacy policy applies to all personal information we receive whether in electronic, paper or audio format.

### Definitions

“Personal Information” or “Information” means information that (1) is transferred from the EU to the United States; (2) is recorded in any form; (3) is about, or pertains to a specific individual; (4) can be linked to that individual; and, (5) is collected automatically or by request.

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

### Principles Notice

If we directly collect information, we will inform an individual of the purpose for which we collect and use the Personal Information and the types of non-agent third parties to which Scarab discloses or may disclose that Information. If we directly collect information, we will provide individuals with the choice and means for limiting the use and disclosure of their Personal Information. Notice will be provided in clear and conspicuous language when individuals are first asked to provide Personal Information to us, or as soon as practicable thereafter, and in any event before the we use or disclose the Information for a purpose other than for which it was originally collected.

### Choice

If we directly collect information, we will offer individuals the opportunity to choose (opt out) whether their Personal Information is (1) to be disclosed to a third party or (2) to be used for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual. For Sensitive Personal Information, if we directly collect information, we will give individuals the opportunity to consent affirmatively or explicitly (opt out) to the disclosure of the information for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual. We will treat Sensitive Personal Information received from an individual the same as the individual would treat it if identified as Sensitive Personal Information.

### Onward Transfers

Prior to disclosing Personal Information to a third party, if we directly collect information, we will notify the individual of such disclosure and allow the individual the choice (opt out) of such disclosure. We will ensure that any third party for which Personal Information may be disclosed subscribes to the Principles or are subject to law providing the same level of privacy protection as is required by the Principles and agree in writing to provide an adequate level of privacy protection.

### Data Security

Scarab will take reasonable steps to protect the Information from loss, misuse and unauthorized access, disclosure, alteration and destruction. We have put in place appropriate physical, electronic and managerial procedures to



## The European Union Safe Harbor Policy for Protecting Privacy

safeguard and secure the Information from loss, misuse, unauthorized access or disclosure, alteration or destruction. We, however, cannot guarantee the security of Information on or transmitted via the Internet.

### Data Integrity

Scarab will only process Personal Information in a way that is compatible with and relevant for the purpose for which it was collected or authorized by the individual. To the extent necessary for those purposes, Company will take reasonable steps to ensure that Personal Information is accurate, complete, current and reliable for its intended use.

### Access

Scarab will allow individuals access to their Personal Information and allow the individual to correct, amend or delete inaccurate information, except where the burden or expense of providing access would be disproportionate to the risks to the privacy of the individual in the case in question or where the rights of persons other than the individual would be violated.

### Enforcement

Scarab uses a self-assessment approach to assure compliance with this privacy policy and enlists a third party, Third Coast Consultants ([www.3rdcoastconsultants.com](http://www.3rdcoastconsultants.com)), periodically to verify that the policy is accurate, comprehensive for the information intended to be covered, prominently displayed, completely implemented and accessible and in conformity with the Principles. We encourage interested persons to raise any concerns using the contact information provided and we will investigate and attempt to resolve any complaints and disputes regarding use and disclosure of Personal Information in accordance with the Principles.

If a complaint or dispute cannot be resolved through our internal process, we agree to dispute resolution using The American Arbitration Association ([www.adr.org](http://www.adr.org)) as a third party resolution provider.

### Amendments

This privacy policy may be amended from time to time consistent with the requirements of the Safe Harbor. We will post any revised policy on this website.

### Contact Information

Questions, comments or complaints regarding our Safe Harbor Policy or data collection and processing practices can be mailed or emailed to:

**Scarab Consulting**

**Attn: Julie Grantham, General Counsel**

504 Lavaca, Suite 910

Austin, Texas 78701

[jgrantham@consultscarab.com](mailto:jgrantham@consultscarab.com)

Effective date: November 20, 2009