

## **Solidigm Privacy Policy**

**Updated: October 2022**

### **About this Policy**

This Privacy Policy (“Privacy Policy”) provides details on how Solidigm, located at 3101 N. First Street, San Jose, CA 95134 (“Solidigm,” or “we”), when a data controller, may collect, process, and use your Personal Information (“PI”).

For purposes of this Privacy Policy, PI means any information that identifies, relates to, or could reasonably be linked to an identifiable nature person. This Privacy Policy applies to PI collected by Solidigm, that you share with Solidigm, or collected through our website, other applications (including mobile applications), and other digital interactions we may have with you (collectively referred to as “Solidigm Services”).

This Privacy Policy updates Solidigm’s prior privacy policy to reflect changes that Solidigm made to its website in October of 2022.

### **Additional Solidigm Privacy Notices and Supplements**

If you are a candidate for employment with Solidigm, see the Candidate Privacy Policy in our recruiting solution, SmartRecruiters, to learn how your recruitment information is processed.

If you are a member of Solidigm’s staff (employee or contractor) or leadership, see the Personnel Privacy Policy on Solidigm’s intranet site, the Driveway, to learn how your personnel information is processed.

### **Categories of Information Collected by Solidigm**

Solidigm may collect PI as part of its business operations, to offer and provide products and services, to respond to requests and offer customer support, to fulfill legal and contractual obligations and to create and build its products. Also, you may provide PI to Solidigm, such as when you order a Solidigm product, contact customer support, or register for an event or publication. Solidigm also collects information through your interactions with any Solidigm Services and our website. We also may collect PI from third parties.

- **Information You Provide to Solidigm Voluntarily.** When you subscribe to a Solidigm newsletter, create an account with Solidigm, make a purchase or request information from Solidigm, Solidigm may ask you for information such as contact, billing, shipping and communication information, and account ID or credentials, in order to fulfill your request.

Solidigm may also, from time to time, engage in research, analysis, historical and scientific studies, either alone or with partners. As part of such efforts, Solidigm may invite individuals to participate and voluntarily share information after receiving consent. When Solidigm receives PI from a third party for the purpose of such research, we undertake processes to validate that the PI has been collected in a responsible and lawful manner.

If you submit any PI about other people to us or to our service providers, you are responsible for making sure that you have the authority to do so and to allow us to use their PI in accordance with this Privacy Policy.

- **Device and Product/Service Operations.** If you download and use certain Solidigm Services, like software or an app, Solidigm may track and collect usage data, such as when the software or app accesses our servers, what information and files have been downloaded through the use of the software or app, and how you interact with the software or app during use. Solidigm may collect this information to understand how you interact with Solidigm Services and provide you the best customer experience. We may also use this information for security purposes. We may associate the information we collect from more than one device that you use with other information that we have collected about you or your other devices.

In addition, computing devices used by Solidigm may include embedded technology, such as processing chips, which collect information about how the device is operating. This information may include:

- Type and version of operating system, hardware version, device settings, software types, battery and signal strength, screen resolution, device manufacturer and model, language, and Internet browser type and version. The name and version of any Solidigm Services on the computing device you are using may also be collected.
- Geographic locations, such as through GPS, Bluetooth, or Wi-Fi signals.
- Connection information, such as the name of your mobile operator or ISP, browser type, language and time zone, mobile phone number and IP address.

Access to this information by other applications and transmission of this information from a device to Solidigm or other service providers may be controlled by the operating system or other software running on the device.

In some instances, Solidigm technology is used within a product or device that may collect PI, which is not shared with Solidigm. This information may be collected by the manufacturer of the product or device, and you will need to read the privacy notice, privacy policy, or related terms published by that manufacturer to understand how they collect and use your information.

Solidigm Services may also collect geographic location information, such as location inferred from your IP address or GPS, and information about how you engage with and use Solidigm Services; for example, where you have chosen to activate location enabled services on the device with which you access these services.

If Solidigm Services use more sensitive categories of your PI, Solidigm will honor the preferences you set in accompanying menus and settings.

- **Information From Third Parties.** Solidigm obtains information through partners, vendors, suppliers and other third parties. The third parties from whom we obtain information are typically corporate enterprises and may be located in any of the locations in which we do business. These enterprises largely fall into the following categories: product distribution companies, third party support services providers, advertising and marketing companies, data

set and information vendors, public database providers, business partners, providers of products or services, vendors at events or trade shows, research partners, enterprises that deploy Solidigm Services or third-party offerings that include Solidigm Services. We take reasonable steps to confirm that these parties are legally permitted to disclose your PI to Solidigm. We, also, might obtain information through a partner, or co-create datasets with a partner, as part of our business operations. This category of data is used for work such as improving algorithms and data models, product testing and improvement, enhancing existing products and developing new capabilities and features. In some cases, Solidigm may combine PI about individuals that we receive from multiple sources, including directly collected from you or through your use of Solidigm Services.

- **Information From Solidigm’s Website & Services.** Solidigm may collect, process, and use the following three types of Web site PI:
  - **Information You Provide Solidigm:** Solidigm, through its business partners and services suppliers, collects PI you directly provide to Solidigm or any of its Affiliates. For example, Solidigm’s business partner collects PI when interacting with you as a customer seeking support, Solidigm’s recruiting services provider collects PI when you indicate an interest in an open position, and Solidigm’s news service collects PI when you enter it into the new request form. The types of PI you provide Solidigm may include your name, e mail address, mailing address, and phone number, or any other information you might provide.
  - **Information Solidigm Automatically Collects:** When you access or use the website services, Solidigm may automatically collect certain PI from you, which includes:
    - **Log Data:** As with most Web sites, Solidigm gathers certain PI automatically and stores it in log files (“Log Data”). Log Data may include internet protocol addresses, an applicable username, browser type, device identifier, geolocation data, identity of Internet service provider, referring/exit pages, identity of operating system, date/time stamp, clickstream data, and other usage data. Solidigm may combine Log Data with other PI it collects about you. In so doing, Solidigm may use Log Data to monitor use of Solidigm Web sites and services, for security purposes, or for technical administration.
    - **Device Information:** Solidigm may collect PI about the specific device you utilize to access or use the website services, including information identifying your hardware model, operating system and version, unique device identifiers, or mobile network information.
    - **Location:** Solidigm Services may also collect geographic location information, such as location inferred from your IP address or your language choice GPS, to improve your website experience. You may choose whether to allow or deny uses or sharing of your device’s location by changing your device settings, but if you choose to deny such uses or sharing, we may not be able to provide you with certain personalized Solidigm Services and content.

- **Information Collected by Trackers:** Solidigm may use data collection tools (here called “cookies” and includes sessions, or similar technologies). You can adjust your cookie choices by clicking “Cookie Settings” on the footer of the Solidigm website.-
  - Functionality: third party cookies are used to support the functionality of our website and enable our users to interact with our services and webpages. Examples include Amazon, pr.co, SmartRecruiters, and TructArc when users interact with services supported by these services.
  - Essential cookies: Solidigm uses first party cookies that are essential for the operation of the website.
  - Analytics cookies: Solidigm uses Adobe Analytics to gather website traffic information to allow Solidigm to improve our website services and support the functionality of our website services.
  - Solidigm uses Google Analytics services in limited geographies. These website tools gather website traffic information, and the services provide analytics in an aggregated format to Solidigm. You can use your website browser services provider to prevent these services from collecting your user activity on Solidigm’s website. See <https://tools.google.com/dlpage/gaoptout/>.
  
- **Children’s Privacy.** Solidigm does **not** knowingly collect or solicit PI from children under age 18 without verifiable parental consent. If Solidigm becomes aware that a user of the website services under age 18 has submitted PI to Solidigm without verifiable parental consent, Solidigm will permanently delete that PI. Please email us at [DSRequests@Solidigm.com](mailto:DSRequests@Solidigm.com) if you become aware that a child for which you are the parent or guardian has provided Solidigm with any PI without your consent.

**Your Choices and Rights Concerning Your PI.** Solidigm’s business partners or third-party services providers may collect your PI through their online tools or through other means. To determine if you have any rights with regard to those business partners or third-party services providers, contact them directly.

- For website analytics services providers: You can use your website browser services provider to prevent these services from collecting your user activity on Solidigm’s website.
- For technical support providers, see Intel’s Privacy Notice.
- For employment application service provider information, see SmartRecruiters Candidate Privacy Policy by [click here](#).
- For newsroom delivery service provider information, see PR.CO’s privacy policy by [click here](#).
- For your participation in the community, see Khoros’ privacy policy by [click here](#).

### **Purposes for Collection and Use of Personal Information**

Solidigm may collect and use PI for the general purposes of legal, business, or marketing purposes, for the provision of the website services, for other legitimate business purposes, including those associated with the growth, maintenance, and management of our business. These “Processing Purposes” include our internal operations and administration, communicating with you and fulfilling your requests for

Solidigm Services, for advertising and marketing, to monitor and maintain functionality and security of Solidigm Services and to improve, develop, enhance, and otherwise provide Solidigm Services. Specific examples include:

- **To Communicate.** Solidigm may use your PI to send messages; to set up an account with Solidigm, process orders, respond to requests for information about our products, ship products and process payments; to respond to customer service requests; to provide alerts, such as security updates or changes in our policies or about subscriptions that are ending; and to inform you about products, services, and events, send marketing or informational materials like newsletters or white papers, and otherwise perform marketing activities. We may also occasionally conduct surveys or do focused research or studies, which may require you to voluntarily share PI in order to participate. These activities typically may have additional information about the specific use of your PI, and to which you may be asked to acknowledge.
- **For Business Operations.** We use PI to operate our business; for example, to perform accounting, auditing, billing, reconciliation, and collection activities. Other business purposes that depend on use of your PI may include crime or fraud monitoring and prevention, protecting our legal rights, and performing contractual obligations.
- **For Complying with Laws.** We may use PI to comply with applicable laws and regulations, including complying with requirements and cooperating with the legal process, including government sanctions screening, procurement regulations, privacy laws, government investigations, corporate oversight, and seeking legal counsel and other professional consultations.
- **For Technology and Security.** We may use PI to maintain Solidigm's information technology and security policies and protocols, including verifying your identity and providing support, protecting data, monitoring for cyber threats, and other information security purposes.
- **To Direct You to Solidigm-related Requests:** Solidigm will direct you to our business partners that provide support services and product procurement and distribution. Solidigm will also direct you to our services providers that support our operations, such as our online employment application services provider.
- **For Functionality, Development, and Improvement of Solidigm Services.** We may use PI to provide, offer, personalize, and improve Solidigm Services. Some PI, like your IP address, may be used to communicate with your device to provide network connectivity, measure usage levels of Solidigm Services, diagnose server problems, and provide security features. Other business purposes that depend on use of your PI may include data analysis related to testing, modifying, improving, or developing new products, services, and technologies, and to identify trends. If you are using location enabled Solidigm Services, Solidigm may collect the physical location of a connected device using satellite, telecommunications tower, and Wi-Fi signals to provide you with personalized location based Solidigm Services and content.

- **For Product Updates and Reporting.** Solidigm Services may use PI to provide software updates and reports, and to check that Solidigm Services are working properly. Update functions may automatically check your system to see whether files need to be refreshed, updated, or modernized, in order to provide you with up-to-date security, versions, features, options and controls, associated with your systems or devices. We may also rely on PI to analyze performance and improve and maintain Solidigm Services.
- **For Advertising and Marketing.** When Solidigm collects your PI for marketing and communications purposes, we will process the PI for activities related to our marketing and communications efforts. For example, we may use your device's physical location, combined with information about what advertisements you viewed and other information we collect, to enable us to provide personalized content and to study the effectiveness of advertising and marketing campaigns. You may choose whether to allow or deny uses or sharing of your device's location by changing your device settings, but if you choose to deny such uses or sharing, we may not be able to provide you with certain personalized Solidigm Services and content.
- **Other.** We may use your PI for all other legitimate purposes reasonably required for Solidigm's operations and/or any Solidigm corporate changes (e.g. merger, acquisition, change in control, asset transfer, or any transfer or assignment of Personal Data).

### **Legal Basis for Our Use**

Certain geographic areas of the world require notification of our legal basis for collecting and using PI, including for example the European Economic Area. This information is provided to the extent required by those laws.

Solidigm does not offer goods or services to data subjects but only to entities, such as companies and enterprises.

Our legal basis for collecting and using the PI described above will depend on the PI concerned and the specific context in which we collect it. We may process PI based on our legitimate interests described in the Processing Purposes above, or to perform a contract or other similar commitment, or to comply with laws that apply to your PI and the processing that is necessary to satisfy our legal and regulatory obligations, including sanctions screening, or if required, based on your consent for a Processing Purpose.

### **Who Accesses Personal Information**

Solidigm works through our affiliates, authorized suppliers, and business partners, to provide some of Solidigm Services. Solidigm may share your PI with third parties, including affiliates of Solidigm, for any of the Processing Purposes, as follows:

- **To Solidigm and its Affiliates:** Communications with Solidigm or its affiliates or representatives through the services provided by us are subject to monitoring and review in accordance with Solidigm's internal policies and applicable law. Because the Processing Purposes for these services require the input of information, Solidigm may share your PI internally.

- **To Business Partners, Contractors, and Data Processors:** Solidigm may provide PI to its business partners, data processors, third-party vendors, suppliers, contractors and other service providers, who may use the PI to fulfill requests for Solidigm Services; contact you about orders you placed with Solidigm; or in connection with the performance, operation, and support of Solidigm Services; perform marketing or consulting services; or as otherwise appropriate in connection with a legitimate business need. Vendors also include website hosting, data analysis, IT services, and auditing. Solidigm also may disclose PI to service providers who host or facilitate the delivery of online training, seminars, and webinars; email delivery services and other technology providers; and third parties assisting in the delivery of Solidigm’s marketing materials, technical support services, or other products, services, or other information. Where required, these Business Partners, Contractors, and Data Processors, will be subject to contractual obligations to implement appropriate technical and organizational measures to safeguard your PI, and to process it only as instructed to fulfill any of the Processing Purposes.
- **For Website Users, to Third-Party Providers:** Solidigm may share PI of website users with third parties who conduct marketing studies and data analytics, including those that provide tools or code to facilitate Solidigm’s review and management of the website services. In addition, certain website services are carried out by third parties, which are noted. These include SmartRecruiters for submission of an application for an employment position, Khoros when participating in a the “community”, TrustArc when exercising your cookie preferences, pr.co when signing up for our news.
- **To Regulators, Legal Authorities, and Other Third Parties:** This includes entities such as courts and other legal authorities, independent external advisers, and internal compliance and investigation teams, only as necessary to fulfill any of the Processing Purposes.
- **To Data Processors:** Solidigm will provide PI to diligently selected data processors, only as necessary to fulfill any of the Processing Purposes. These data processors may carry out instructions related to Employee benefit services, human resources compliance services, payroll support services, Employee travel management services, and recruitment or workforce administration.
- **To Partners.** We may occasionally have relationships with third parties that are not suppliers or vendors but work with Solidigm to offer certain opportunities such as marketing promotions, to enable joint products or research studies, or to facilitate services like message boards, blogs, or other shared platforms. In these cases, additional terms or privacy notices may be provided. For third parties or uses not described in this Policy, we share your information only with a lawful basis to do so.
- **To Third Parties for Advertising and Marketing.** We may share your information with our third-party company partners to prepare and deliver advertising and marketing content, to provide content services and to enable them to provide you with more personalized ads and to study the effectiveness of our campaigns. Solidigm does not share your PI with non-affiliated third parties for their own advertising or marketing use without your permission.

- **For Sales, Mergers & Acquisitions.** We may disclose PI as part of a contemplated or actual corporate transaction, such as a reorganization, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of our business, assets, or stock (including in connection with any bankruptcy or similar proceedings).
- **For Research and Study:** We may disclose PI to collaboration partners, to conduct research to improve our technology, or the use of our technology, in various fields of study and to identify new uses or design new products.

### **Records Retention**

Solidigm will retain your PI no longer than is necessary to carry out any of the Processing Purposes described in this Privacy Policy, or as otherwise required by applicable law and Solidigm procedures. Where a different retention period is required by applicable law, however, Solidigm reserves the right to extend or alter any of its applicable records retention time periods.

Solidigm will permanently delete your PI when no longer necessary for any of the Processing Purposes or as described immediately above. Solidigm will continue to process (including use, disclose, and store), any retained PI consistent with this Privacy Policy.

### **Measures Designed to Protect the Safety of PI**

Solidigm takes the following measures designed to protect the safety of PI:

- Managerial measures: Establishment and implementation of internal management plans, regular training of employees, etc.;
- Technical measures: Management of access rights to PI processing systems, etc., installation of access control system, encryption of personally identifiable information, installation of security program; and
- Physical measures: Control of access to the IT team or data storage room, etc.

### **Your Choices and Rights Concerning Your PI**

Depending on the applicable law and jurisdiction, you may have certain rights regarding the PI you provide to Solidigm. Those rights may differ from country to country. [Click here](#) to learn about the jurisdictions that provide these rights.

Generally, the rights are described as follows:

- **Right of Access:** You have the right to confirm with Solidigm whether your PI has been processed and, if so, how it was processed. This also includes the right to request access to that PI. Your access includes to the categories of PI processed, the purpose of the processing, and the recipients or categories of recipients;
- **Right to Rectification:** You may have the right to rectify inaccurate or incomplete PI concerning you;

- **Right to Erasure:** You may have the right to have Solidigm erase PI concerning you, outside of Solidigm’s normal records-retention policies;
- **Right to Restrict Processing:** In limited circumstances, you may have the right to request that Solidigm limit or restrict the processing of your PI. Where Solidigm processes your PI for the Processing Purposes, however, Solidigm has a legitimate interest in processing that PI, which may override your request;
- **Right to Portability:** You may have the right to receive your PI, which you have provided to Solidigm, in a structured, commonly used, and machine-readable format; and you also may have the right to transmit that PI to another entity;
- **Right to Object and Rights Concerning Automated Decision Making:** Under certain circumstances, you may have the right to object to or complain about, at any time, the processing of your PI, including for allegations of profiling, and Solidigm may be required to no longer process your PI. This could include a request by you for human intervention, in relation to an automated decision that Solidigm made, so that you may express your view and contest the automated decision; and
- **Right to Withdraw Consent:** After providing Solidigm with your consent to the use of your PI, you may withdraw it at any time with future effect. Withdrawing consent will not, however, affect the lawfulness of any processing Solidigm conducted prior to your withdrawal, or Solidigm’s processing of your PI under other legal bases.

Individuals in certain jurisdictions also have the right to lodge a complaint with the competent data protection supervisory authority in the relevant jurisdiction.

Individuals and their legal representatives with one or more of these rights may exercise the rights by [clicking here](#). Solidigm reserves the right to validate the requestor's identity, including when the request is made by a representative of the data subject. Solidigm also reserves the right to seek additional details to assist in Solidigm’s response and to aid Solidigm in locating the individual’s PI.

### **Other Privacy Related Information**

Below, you will find additional information you may find important, such as how we communicate changes to this notice, and international compliance.

- **International Compliance.** Solidigm is a global company with its headquarters in the United States. For the Processing Purposes, Solidigm will process and store your PI on systems used by Solidigm in the United States at its headquarters in the United States, as well as other secure locations as necessary. As such, we may transfer your PI between the United States and our affiliates and subsidiaries in other countries. We may also transfer your PI to our third-party service providers, who may be located in a different country than you. We may also transfer your PI to our major data centers for processing in various countries.

When recipients of your PI from Solidigm are located outside of the European Economic Area and United Kingdom (collectively, the “EEA”), and such transfers of PI are subject to a

recognized applicable adequacy mechanism for the transfer of personal data from a European to the United States, Solidigm uses adequate protections in the form of data transfer agreements. Any transfers of PI to foreign jurisdictions for processing may result in your PI being accessed by the courts, law enforcement, and national security authorities located within those respective jurisdictions.

To see if you have the right to request an explanation of the appropriate safeguards, contact the Solidigm Privacy Program at [DSRequests@Solidigm.com](mailto:DSRequests@Solidigm.com).

- **Third Party Sites & Services.** This Privacy Policy does not address, and we are not responsible for, the policies and practices of third parties or other organizations that are not operating on Solidigm's behalf, including policies and practices related to privacy and security, data collection, processing, use, storage, and disclosure. This includes: (a) any third party operating any site or service to which Solidigm Services link – the inclusion of a link with Solidigm Services does not imply endorsement of the linked site or service by us or by our affiliates; or (b) any app developer, app provider, social media platform provider, operating system provider, wireless service provider or device manufacturer (such as Facebook, Apple, Google, Microsoft, LinkedIn, etc.) including any PI you disclose to other organizations through or in connection with Solidigm Services or Solidigm's corporate Social Media Pages.
- **Changes to This Privacy Policy.** We may change this Privacy Policy from time to time so it accurately reflects our practices, Solidigm Services, and legal requirements. The date at the top of this Policy states when this Privacy Policy was last amended, and we will update this date each time a revision is posted. Any changes to this Privacy Policy will become effective when we post the revised Privacy Policy. You should check back regularly to stay informed of our privacy practices.

If any change to our Privacy Policy materially diminishes your rights regarding your PI under applicable law, we will follow the legal requirements of that applicable law. If changes are substantively significant, we will comply with applicable laws with regard to the change, for example by posting a prominent notice of the changes on our website or notifying you by email.

### **How to Contact Us**

If you have questions or concerns about the Company's privacy practices or to exercise any rights that you may have that are described in this Notice, you can contact the Company's Data Protection Officer by emailing [DSRequests@Solidigm.com](mailto:DSRequests@Solidigm.com). Requests will be responded to in a timely manner.